

Aiken City Council MinutesREGULAR MEETING

July 14, 2014

Present: Mayor Cavanaugh, Councilmembers Dewar, Diggs, Ebner, Homoki, Merry and Price.

Others Present: Roger LeDuc, Stuart Bedenbaugh, Gary Smith, George Grinton, Kim Abney, Ed Evans, Charles Barranco, Kim Coleman, Tim Coakley, Alicia Davis, Sara Ridout, Maayan Schechter and Michael Ulmer of the Aiken Standard, and about 25 citizens.

CALL TO ORDER

Mayor Cavanaugh called the meeting to order at 7:02 P.M. Councilman Dewar led in prayer, which was followed by the pledge of allegiance to the flag.

GUIDELINES

Mayor Cavanaugh reviewed the guidelines for speaking at the Council meeting. He asked that those who would like to speak raise their hand and be recognized and limit their comments to five minutes.

ADDITIONS OR DELETIONS TO AGENDA

Mayor Cavanaugh asked if there were any additions or deletions to the agenda. There were no changes.

MINUTES

The minutes of the Work Session and Regular Meeting of June 23, 2014, were considered for approval. Councilwoman Diggs moved, seconded by Councilman Ebner that the minutes of the June 23, 2014, meeting be approved. The motion was unanimously approved.

PRESENTATIONS

Gail's Anatomy  
Ovarian Cancer  
Debbie Mills

Mayor Cavanaugh stated Debbie Mills would like to make a request to Council regarding Ovarian Cancer Awareness Month.

Mr. LeDuc stated Debbie Mills is present to request dying the Newberry Street Festival Center fountain teal during the month of September and approval for the placement of teal ribbons in the downtown area in observance of Ovarian Cancer Awareness Month as well as in remembrance of her daughter Gail, who succumbed to this cancer.

Ms. Debbie Mills, founder of Gail's Anatomy, and Alicia Owens, co-director of the non-profit, appeared before Council. Ms. Mills stated her interest in ovarian cancer was the loss of her daughter to ovarian cancer. She said her daughter Gail went to the doctor every year for a checkup. She was an honor graduate from Silver Bluff High School and graduated from USC Aiken with honors. A few years after she graduated from USC Aiken she started having some problems. She went to the doctor who identified some scar tissue from a previous surgery. When she went back for her next checkup, they found a mass. It was ovarian cancer. It was stage 3c at that time. Three and one-half months later her only child died with ovarian cancer. There was no family history of cancer. She said every day is a challenge, and she looks for ways to tell people about the signs and symptoms of ovarian cancer. She said she could not imagine her life without her daughter. She pointed out those with children are very blessed. She asked if they had

ever given thought of what they would do if they found out one of their children is sick and three and one-half months later they are gone. She said she had to do something. She said she felt that if the roles were reversed that Gail would be doing what she is doing. She said she was very blessed to have Gail for 30 years.

Ms. Mills stated she was very grateful to City Council for allowing the opportunity to turn Aiken teal for the last several years. She said it has been five years now that something has been done in the City of Aiken. Each year they try to make the awareness campaign a little bit larger. This year she is very excited to have been able to team with Aiken Regional Medical Centers for a Let's Talk Teal which will be August 28. Registration is required for breakfast. The program will be concluded by going to the Newberry Street fountain and turning it teal. She said previously turning the fountain teal had been done in the afternoon, but this year they are going to do it early, right after breakfast. She said the kickoff is August 28 and August 30 they are teaming with the Augusta Green Jackets. She said the organization is on facebook. They have a website. She said they are always available to share with organizations, churches, or the community the signs and symptoms of ovarian cancer. Ms. Mills stated she would like to turn the Newberry Street fountain teal and put the teal bows in the downtown area.

Ms. Alicia Owens stated she was the co-director of Gail's Anatomy. She pointed out they are not public speakers and are terrified to speak, but if they don't speak, even in their terror, then they are not doing their job. She said they have to look past how scared they are or how nervous they are about speaking and have to do what they have chosen to do. She pointed out in looking at those in the room there was mostly men, so she thought she would not have to say anything. But again on second thought she thought the men may have a spouse, a significant other, a sister, an aunt, a daughter, or mother so it was just important that a room full of men hear what they have to say versus if it were a room full of women.

Ms. Owens stated on the statistics, 70% of women diagnosed with ovarian cancer are diagnosed at late stage. There is a 10% survival rate for women diagnosed at late stage. Most people believe there are no symptoms that would lead a woman or her doctor to suspect that ovarian cancer could be the culprit. It was once considered the silent killer, and a lot of people still refer to ovarian cancer as the silent killer. However, it is not; it is known to whisper. We know there are symptoms; they are just very vague; not distinguishable, and often confused with other things. That is why it is so important that what she and Ms. Mills in Gail's Anatomy do in pointing out what the signs and symptoms are, so women understand that it could be something more than indigestion. There are many women diagnosed with indigestion, irritable bowel, Crohn's disease, etc. It is important to raise awareness so people can have symptoms checked out. Only 52 out of a 100 patients studied over a 10 year span were still living 2 1/2 years after diagnosis. Five years after diagnosis 29 of the 100 women were alive. It is the deadliest of all GYN cancers. Early diagnosis is the key to survival. Early diagnosis comes from knowing what the signs and symptoms are. Being aware is the mission of Gail's Anatomy to make the community aware of the signs and symptoms.

Councilwoman Diggs asked if the event information is on their facebook. Ms. Mills responded the information is on the facebook page as well as Women Enlightened (WE), and Aiken Regional Medical Centers page. She thanked Ms. Mills and Ms. Owens for their continuing efforts to make others aware of the signs and symptoms of the disease.

Ms. Mills stated it is a team effort and community effort. She pointed out that the company she works for, URS, has been so committed over the years and been very supportive. She pointed out this year, they have said they will sponsor turning the fountain teal.

Mayor Cavanaugh stated Council is grateful for what Ms. Mills and Ms. Owens are doing. He said he had a proclamation from City Council that he would read.

Mayor Cavanaugh stated several people in his family have died with cancer, including his mother and his wife's mother, who died with ovarian cancer.

Mayor Cavanaugh read the proclamation and presented it to Ms. Mills.

Council approved the turning of the Newberry Street fountain teal and the placement of bows in the downtown area.

#### WINTER STORM PAX CLEANUP

##### Update

Mayor Cavanaugh Council would receive a report on the status of Winter Storm PAX debris disposal and removal of leaners and hangers.

Mr. LeDuc stated he would ask Tim Coakley, Public Services Director, and Stuart Bedenbaugh, Assistant City Manager, to give Council a recap on the status of the storm debris disposal. He pointed out there is an item on the agenda which concerns first reading of an ordinance to make some budget adjustments to last year's budget. He said while they are talking about FEMA and some of the adjustments, Council may have some questions, and the information presented may relate to some of that information.

Mr. Coakley stated he wanted to update Council on a large amount of work that has been completed since the last time Council met. He said the grinding of the debris at the Centennial field has been completed. Grinding of the debris at Citizens Park and at the Powderhouse field has been completed. All the grinding of the debris is finished. They have begun hauling of the debris that is now mulched. All the debris at the Centennial field and Citizens Park field has been hauled away and is 100% complete. They are about 50% complete with hauling debris from the Powderhouse field. There is some city debris at the Powderhouse field where they short hauled. He said instead of hauling residents' yard trash all the way to the landfill, it was hauled into the Powderhouse field and staged for a certain period of time. That will not be FEMA reimbursable. The city crews will have to get it out of the field so it can be cleaned up. He said they are about 30% done with that and have scheduled some time this week in the schedule to finish that.

Mr. Coakley stated we have started the remediation process of cleaning up the fields. The Centennial field is 100% completely remediated. They came in and scraped everything off of it, picked up all the sticks by hand, raked it out, seeded it and strawed it in an attempt to get it back to its original condition. The remediation at Citizens Park is 100% complete. The remediation at Powderhouse field has not begun. They are waiting to get the hauling done. They have moved their equipment and started in the back area, but it is not complete. That is something that will be done over the next three weeks.

Mr. Coakley stated the city recently had contractors in town to remove hangers and leaners. This was operated kind of like three separate pieces of pie. One contract was for the downtown historic grid which was defined as Beaufort Street, to Morgan Street, and Hampton Avenue to South Boundary. He said that work is 100% done. We spent \$35,010 for that contractor. The next item was for all the road rights-of-way and was handled as a separate project. He said before he left the office this evening they came in with their final paper work. This project is 100% complete with all the road rights-of-way. The hangers in the Parks, Recreation and Tourism facilities are 90% complete. The big parks are done; Citizens Park is finished; the Weeks Center is finished as well as Eustis Park, Smith-Hazel, and Perry Park. There are still some small parks around town, more neighborhood-type parks that need to be finished. He said he expects them to be finished by Wednesday.

Mr. Coakley stated the city chose to do all the monitoring of the contractors in-house. He said he would like to compliment the city departments and staff. He said there was a call to employees for help to do the monitoring. He said we had police officers, people from PRT, employees from the Utilities Department, and some of his staff helping with the monitoring. The employees worked overtime shifts, days they were off, etc. to monitor the contractors. He said that is all FEMA reimbursable.

Mr. Coakley stated great progress has been made. He sees no reason why the crews will not be done with all the work by August 8, which is the last day for FEMA reimbursement.

Councilman Merry pointed out that in his own yard he thought he had got down all the hangers, and then several weeks later he realized he had missed some. He asked, if in the road right of ways and other places where a random hanger might be discovered, did the city have the capacity to take care of those or how would they be dealt with. Mr. Coakley responded the city could take care of those. He said in-house the city has a full time tree crew with a certified arborist and a bucket truck with a 60 foot reach. If it were higher than 60 feet, the work would have to be sublet to a contractor with a bigger truck or to somebody who can climb. He said for liability reasons city employees are not allowed to climb. He said city employees are capable of handling this. He said hangers will probably be found a year from now. He pointed out that many of the hangers are brown now so they are easier to see. However, when you get into the body of a tree, especially in a big canopy like a live oak, there are many you can't see from the ground. He said staff is capable of handling the hangers and leaners left.

Councilman Merry pointed out that at the Weeks Center in 24 to 48 hours they had got down almost all of the hangers. They were on the ground. He wondered if those had all been picked up. Mr. Coakley stated all the pickup was done in-house. There was an option in the contract to use the contractor to clean that up, but it was pretty expensive. It was felt the work could be done with city staff in a timely manner. He said the crews ran a little late in picking up residents' yard debris the week of July 4<sup>th</sup> because of that.

Mayor Cavanaugh stated all of Council felt that Mr. Coakley and his staff had done a tremendous job throughout the whole process. Mr. Coakley stated he was lucky to have a good staff that made him look good.

Councilman Ebner thanked Mr. Coakley and all of the staff for the work they have done since February in working on the storm debris clean up. He asked for a couple of clarifications. He said he noticed on another handout that all of the cities that helped us have been paid at invoice rate. Mr. LeDuc stated that is correct. An invoice was sent, and the city paid them. We have sent them a letter thanking them for their effort in helping us.

Councilman Ebner asked if we should discuss agenda item 4 at this time or wait until Council gets to that item. Mr. LeDuc responded Mr. Bedenbaugh is going to give a report which might answer some questions.

Mr. Bedenbaugh stated one thing Mr. Coakley did not mention about cleanup; the Carolina Bay work is complete as well. Through PRT we let a contract for about \$6,400. He said he thought the vendor has finished taking hangers and leaners out at the Carolina Bay 20 feet on either side of the walking track.

Mr. Bedenbaugh reviewed the spreadsheets distributed to Council. To date we have requested reimbursement and submitted paperwork for \$1,518,443. Two of those categories were for debris removal Category A. One was debris removal days 1 -30; the other days 31 – 90. The amount requested for reimbursement for the day 1 – 30 was \$661,266. Through the Pilot Program for Accelerated Debris Removal the maximum amount you can receive from FEMA is 85% of what you submit. He said we did get the full 85% as reported in previous Issues and Updates to Council. We received a \$562,076 check in hand in May. For Category A debris removal for days 31 – 90 which ended May 10, we submitted that paperwork in June to FEMA for \$774,900 and through the Pilot Program for Accelerated Debris Removal, the maximum amount we could receive would be 80% of what we filed. He reported we did get the full 80% back. That amount of \$619,920 has been obligated. He said obligated means that FEMA says they are going to pay us that amount of money, but we have not received the check yet. That money will be credited to budget year 2014-15, since the money will not be received until after July 1, 2014.

Mr. Bedenbaugh stated Category B, which is Emergency Protective Measures, is work that Public Safety and Engineering and Utilities Department did regarding issues with public safety. Also, as Council knows, we had some issues with some of our lift stations. To address some of those matters, we had expenditures of \$82,277 and FEMA's reimbursement rate for that is 75% of all eligible expenses. The City of Aiken did receive the full amount and actually received the check today for \$61,707. To date we have requested \$1,518,000, and we have either obligated or money in hand, the full amount that we were eligible to receive of \$1,243,703.

Mr. Bedenbaugh stated Councilman Ebner had asked the question earlier about the mutual aid information. He stated all the cities that helped during the ice storm have been reimbursed.

Councilman Dewar stated he had two questions. He asked if he could assume the only thing we have to submit further is the information on the items on which Mr. Coakley reported. Mr. Bedenbaugh stated it would be the items mentioned by Mr. Coakley, and there are some repairs, such as the backstop at Citizens Park. He said there are still some expenses. He said the total expenses, other than the debris expenses which Mr. Coakley mentioned, are probably less than \$100,000 that we have left to submit to FEMA.

Councilman Dewar asked if staff was working on the grants that Council was told about regarding storm mitigation. Mr. Bedenbaugh stated the deadline was June 27, and he and Mr. Grinton and others worked very hard to get those grant pre-applications submitted. They were all submitted by the deadline. He said the South Carolina Emergency Management Division is administering that program and will be notifying all applicants by July 27 whether or not our pre-application has been accepted to have a full application submitted. Once we receive the notification, and should we choose to submit a full application, the deadline is October 27, 2014, to have the full application submitted to the State Emergency Management Division. Then it will be reviewed, and we would find out early in calendar year 2015 if we are a recipient.

Councilman Dewar stated he had not been in South Carolina beyond the 10 years he has lived here, but he has the impression that the State's decision not to reimburse us for the 25% or less portion of our claim, is probably a first. He said if that is the case, he felt Council should seriously consider a letter to the Delegation before the session starts next year, asking that we receive the reimbursement as other counties have for previous storms. He said he may not be correct that this is the first time that the State has not provided a 25% share of the expenses. He said it was not discussed at the Municipal Association meeting, and probably really affects Aiken County more than anywhere else. He felt the city should make an attempt to get support from the Legislature to put that money in the budget. He said we now know exactly how much we are talking about. He said it is either to be reimbursed by the State or comes out of city funds.

Councilman Merry asked who would do the research to find out if this is a first for not receiving 25% reimbursement or less. Mr. LeDuc stated staff could ask the Delegation.

Councilman Homoki asked if the \$182,654 which was paid out for mutual aid was part of the funds which we are trying to recoup from FEMA. Mr. Bedenbaugh responded that it was.

## BOARDS AND COMMISSIONS

### Appointments

John Brecht

Building Code Appeals Board

Susan Victor

Accommodations Tax Committee

Judy Sennett

Community Development Committee

Mayor Cavanaugh stated Council needed to consider approval of appointments to fill vacancies on different City boards, commissions, and committees.

Interim City Manager Roger LeDuc stated Council has 7 pending appointments to fill vacancies on different City boards, commissions, and committees. Three appointments are presented for Council's consideration and vote.

Councilmember Diggs has recommended the appointment of John Brecht to the Building Code Appeals Board to replace Timothy Redd. If appointed Mr. Brecht's term would expire May 12, 2016.

Councilmember Merry has recommended the reappointment of Susan Victor to the Accommodations Tax Committee. If reappointed Ms. Victor's term would expire March 25, 2016.

Councilmember Ebner has recommended the reappointment of Judy Sennett to the Community Development Committee. If reappointed Ms. Sennett's term would expire September 2, 2016.

For Council consideration is the appointment of John Brecht to the Building Code Appeals Board, and reappointment of Susan Victor to the Accommodations Tax Committee and reappointment of Judy Sennett to the Community Development Committee.

Councilman Dewar moved, seconded by Councilman Ebner, that Council appoint John Brecht to the Building Code Appeals Board with the term to expire May 12, 2016, and reappoint Susan Victor to the Accommodations Tax Commission with the term to expire March 25, 2016, and reappoint Judy Sennett to the Community Development Committee with the term to expire September 2, 2016. The motion was unanimously approved.

Mayor Cavanaugh asked if there were any nominations for the next meeting.

Councilman Merry stated he would like to recommend Israel Haynes for appointment to the Housing Authority to replace Sara Wood.

Mayor Cavanaugh stated the recommendation would be on the next agenda for Council consideration.

## CAPITAL PROJECTS SALES TAX PROJECTS – ORDINANCE 07142014

### Operations Manager

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to hire an Operations Manager to oversee Capital Projects Sales Tax Projects.

Mr. LeDuc read the title of the ordinance.

### AN ORDINANCE TO CREATE THE POSITION OF CAPITAL PROJECTS SALES TAX MANAGER.

Mr. LeDuc stated Council has discussed using Capital Projects Sales Tax [CPST] funds to support a newly-created, full-time position in the City Manager's Office to be known as a Capital Projects Sales Tax Manager.

Council formed a committee to review the proposed ordinance to clearly define the scope of work and duties of this position. The committee agreed the CPST Manager would focus primarily on Parks, Recreation and Tourism projects, taking them from start to finish while providing monthly updates on projects' progress and expenditures. This supervisory position will have a starting salary between \$50,000 and \$62,000 depending on the experience of the applicant.

Mr. LeDuc stated if Council approves the ordinance, staff will immediately advertise the position, and the advertisement will remain open until the position is filled. He said it is hoped that by the end of the month we will have an individual that we will be able to hire to fill this position to get started on the projects immediately.

City Council approved this ordinance on first reading at the June 23, 2014, meeting. For Council consideration is second reading and public hearing of an ordinance to hire an Operations Manager to oversee Capital Projects Sales Tax Projects.

The public hearing was held.

Councilman Dewar stated he noticed that some of the duties listed in the ordinance are pretty specific. He asked if the person would manage the projects or oversee the projects and if they would obtain the necessary permits. He wondered if the company that is chosen to do the project would be obtaining the necessary permits.

Mr. LeDuc stated for the position the wording of "start to finish" does not mean they are going to do the engineering, construction management, but they will make sure the items get done and work closely with the City Manager and Council on updates and just moving the projects forward.

Councilman Dewar stated his other question is that we have imposed a hiring freeze, and he had noticed when the County hires someone whose position has been frozen that they move separately to remove the position from being frozen. He wondered if Council needed to do anything like that.

Mr. LeDuc stated with Council's approval that would be removing it from frozen and would allow staff to go ahead and hire the person. All the other positions that were frozen in the budget are still frozen until staff comes before Council and asks permission to unfreeze those.

Councilman Dewar pointed out the hiring of employees is frozen, and he asked if promotions were frozen as well.

Mr. LeDuc stated promotions were being looked at on a case by case basis, but were not frozen.

Councilman Dewar stated he thought promotions were frozen also. Councilman Ebner stated that Council should discuss that matter later in the meeting, as he thought promotions were frozen also.

Councilman Ebner stated he and Councilwoman Price had been pushing for this position. He said he wanted to voice his concern. He said we started out with a PRT Projects Sales Tax Manager almost three years ago. He said there is a clause that says the Capital Projects Sales Tax Manager can manage any capital projects sales tax projects. He said he wanted to be sure the first time a fancy project comes up like doing something on Whiskey Road, Hampton or something like that, that they will not put their attention on that project. His concern is the same that he has had for the last three years, and that is are we going to be dedicated enough in this work to be sure we work on the projects listed. He pointed out the PRT jobs were specifically listed in the ordinance. He said if we start running in \$3 million or \$4 million other projects, the PRT projects will die

again. He said we have had this problem with others, and he wondered how it can be monitored to make this happen. He said that is his concern long range.

Councilwoman Price pointed out one of the differences here is that the funding for the position comes from the Capital Projects Sales Tax funds. She said that was not done with the other positions where we have hired individuals. She said this person will be dedicated to the task based on where the funding comes from.

Councilman Ebner stated we have about \$30 million projects in Capital Projects Sales Tax. He said the due diligence is to be sure this happens and watch it or it will slip away from us again.

Mayor Cavanaugh stated there has been discussion about this. He felt the reason the projects were not limited just to the PRT projects is the fact that if something does come up, and Council agrees to move the person over temporarily, Council has the prerogative to do it. It is not the thought to do that, but something might come up.

Councilwoman Price moved, seconded by Councilman Merry, that Council pass the ordinance on second and final reading approving the hiring of an Operations Manager to oversee the Capital Projects Sales Tax projects. The motion was approved unanimously.

AIKEN AVIATION ENTERPRISES, LLC – ORDINANCE 07142014A

Wayne Works Aviation, LLC

Aiken Municipal Airport

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance authorizing Wayne Works Aviation, LLC to transfer all of its rights to and interest in real estate located at Aiken Municipal Airport to Aiken Aviation Enterprises, LLC.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AUTHORIZING WAYNE WORKS AVIATION, LLC TO TRANSFER ALL OF ITS RIGHT, TITLE AND INTEREST IN REAL ESTATE LOCATED AT THE AIKEN MUNICIPAL AIRPORT TO AIKEN AVIATION ENTERPRISES, LLC.

Mr. LeDuc stated Aiken Aviation Enterprises LLC has entered into an agreement for the right, title, and interest in real estate at the Aiken Municipal Airport currently held by Wayne Works Aviation, LLC.

At their May 6, 2014, meeting the General Aviation Commission met and discussed this matter. They felt this was appropriate and unanimously recommend to City Council approval of this agreement between Aiken Aviation and Wayne Works Aviation.

Mr. LeDuc stated this is more of a perfunctory matter to allow Aiken Aviation to take over the hangar rights that Wayne Works had at this location.

The ordinance was approved on first reading at the last meeting. For City Council consideration is second reading and public hearing of an ordinance to transfer right, title, and interest in real estate located at the Aiken Municipal Airport.

The public hearing was held.

Councilman Ebner moved, seconded by Councilman Merry, that Council pass on second and final reading an ordinance authorizing Wayne Works Aviation, LLC to transfer all of its rights to and interest in real estate located at Aiken Municipal Airport to Aiken Aviation Enterprises, LLC. The motion was unanimously approved.



VILLAGE AT WOODSIDE – ORDINANCE 07142014BConcept PlanSilver Bluff Development, LLCVillage Green Boulevard

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to revise the Village at Woodside Concept Plan.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE AMENDING THE CONCEPT PLAN FOR PROPERTY LOCATED IN THE VILLAGE AT WOODSIDE.

Mr. LeDuc stated Silver Bluff Development, LLC is requesting a revision to the Concept Plan for The Village at Woodside Plantation to allow office space instead of 63 multi-family residential units on 2.75 acres on the northeast side of Village Green Boulevard. The residential units planned for this location will be allocated to another section of The Village at Woodside's Planned Residential plan.

This application was reviewed by the Planning Commission at their June 10, 2014, meeting, and they unanimously recommended amending the concept plan on the condition that the office buildings not exceed two stories in height.

For Council consideration on second reading and public hearing is an ordinance to revise The Village at Woodside's concept plan.

The public hearing was held.

Councilman Dewar moved, seconded by Councilwoman Diggs, that Council pass on second and final reading an ordinance to revise the Village at Woodside concept plan to allow office space instead of 63 multi-family residential units on 2.75 acres on the northeast side of Village Green Boulevard. The motion was unanimously approved.

REZONING – ORDINANCE 07142014CJohn Haddon1215 South Boundary Avenue1219 South Boundary Avenue

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to rezone property at 1215 and 1219 South Boundary Avenue from RS-15 to RS-10.

Mr. LeDuc read the title of the ordinance.

AN ORDINANCE TO REZONE CERTAIN PROPERTY LOCATED AT 1215 AND 1219 SOUTH BOUNDARY AVENUE FROM RESIDENTIAL SINGLE-FAMILY (RS-15) TO RESIDENTIAL SINGLE-FAMILY (RS-10).

Mr. LeDuc stated Dr. John Haddon is the owner of two lots located at 1215 and 1219 South Boundary Avenue. For many years he operated a veterinary clinic there that was grandfathered in when the area was zoned for residential use. Now that the veterinary clinic has moved, he would like to convert these two properties for residential use. The existing common lot line divides an established single-family residence. Dr. Haddon would like to re-plat the lots to create parcels as shown on the plat included in the agenda packet. Because only one of the two proposed lots would meet the minimum lot size of 15,000 square feet under the current RS-15 zoning, an application was filed to change the zoning to RS-10.

At their June 10, 2014, meeting, the Planning Commission unanimously recommended this request be approved.

Council approved this ordinance on first reading at the June 23, 2014, meeting. For Council consideration on second and final reading is an ordinance to rezone property at 1215 and 1219 South Boundary Avenue from RS-15 to RS-10.

The public hearing was held.

Councilwoman Price moved, seconded by Councilman Merry, that Council pass on second and final reading an ordinance to rezone property at 1215 and 1219 South Boundary Avenue from RS-15 to RS-10. The motion was unanimously approved.

#### ZONING ORDINANCE – ORDINANCE 07142014D

Amendment

Visibility

Trees

Mayor Cavanaugh stated this was the time advertised for second reading and public hearing on an ordinance to amend the Zoning Ordinance regarding sign visibility and trees.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE ZONING ORDINANCE REGARDING SIGN VISIBILITY AND TREES.

Mr. LeDuc stated City Council passed an amendment to the Zoning Ordinance in November, 2010, which allowed a gap in the planting strip along street frontage around a business' free standing sign to make signs more visible. This amendment only affected proposed developments, not existing developments. He pointed out the way the Sign Ordinance is written in relationship to the landscaping requirements we have, many times the signs, once the trees are developed fully, would be partially or almost completely blocked from view. The proposed ordinance allows flexibility for those businesses with free standing signs so passersby could see the signs.

The Planning Commission was asked by Council whether other amendments are needed regarding sign visibility. The Planning Commission's consensus is that the tree separation provisions adopted in 2010 should also apply to existing developments. At their June 10, 2014, meeting the Commission unanimously recommended an amendment to the Zoning Ordinance to allow a gap in the planting strip for a free standing sign in existing developments.

Council approved this ordinance on first reading at the June 23, 2014, meeting. For Council consideration on second reading and public hearing is an ordinance to amend the Zoning Ordinance regarding sign visibility and trees.

The public hearing was held.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council pass on second and final reading an ordinance to amend the Zoning Ordinance regarding sign visibility and trees in existing developments. The motion was unanimously approved.

DUPONT POINTE DEVELOPMENT – RESOLUTION 07142014ESecond Baptist Church Community Development CorporationDeed of DedicationBennett DriveWater LinesSanitary Sewer LinesStorm Sewer Lines

Mayor Cavanaugh stated a resolution had been prepared to accept a deed of dedication from Second Baptist Church Community Development Corporation.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DEED OF DEDICATION FROM SECOND BAPTIST CHURCH COMMUNITY DEVELOPMENT CORPORATION.

Mr. LeDuc stated the Second Baptist Church Community Development Corporation has requested the City of Aiken accept a deed of dedication of the water, sanitary sewer, and storm sewer systems for the Bennett Drive portion of the Dupont Pointe development. This deed of dedication does not include acceptance of the regional detention pond. He said Mr. Harvey Ramseur is present to answer any questions.

Engineering and Utilities Director George Grinton has reviewed this request and the supporting documentation and recommends acceptance of the deed. There has been an Engineer of Record certifying the work.

For Council consideration is a resolution accepting a deed of the Bennett Drive portion of Dupont Pointe infrastructure.

Councilman Merry stated he was not on Council when the ordinance was passed for the Engineer of Record certification of developments, which is a good thing to do. He asked if a bond is required and if a bond is required for water and sewer infrastructure at all or simply for roads. He asked if there is a requirement for an Engineer of Record and a compliance performance bond.

Mr. George Grinton, Engineering and Utilities Director, explained how the process works. He said a maintenance bond is still required. He said there is a performance bond and a maintenance bond. Dupont Landing, which is the second phase of this project, is under a performance bond. That is prior to the infrastructure being successfully installed. You take the total value of the contract and multiply it times 20%. That is what the developer has to put up in a Letter of Credit or an acceptable form for a performance bond. Then as they progress they can submit and ask for the amount of the bond to be reduced in 25% increments. However, it cannot be reduced below 20%. When they finish the infrastructure, 20% of the performance bond is maintained for two years after the installation as a maintenance bond. The performance bond translates into a maintenance bond. Presently what they have is a performance bond. If they complete the infrastructure, then the maintenance bond is the 20% from the performance bond. The maintenance bond is for two years.

Councilman Merry stated he knew how it had been done, but he did not know if the Engineer of Record had changed anything regarding the bonds. Mr. Grinton stated the time period and what he had just described changed simultaneously with the adoption of the Engineer of Record. Prior to that there was a one year period and other requirements.

Councilman Ebner asked if the roadway was finished and if the dedication included the roadway. Mr. Grinton responded that the deed of dedication does include the short section of Bennett Drive. Councilman Ebner stated the ordinance did not say pavement, and he wondered if the street was included in the deed. Councilman Merry pointed out all it says is the water, sanitary sewer and storm sewer lines and easements. Councilman

Ebner stated his assumption was that it included the roadway, but it did not say the roadway.

Councilman Dewar stated he did not think the roadway could be included, as he thought staff had to monitor the roadway for two years before it is accepted.

Mr. Gary Smith, City Attorney, pointed out the deed does mention dedication of the roadway.

Mr. Grinton stated his intention was that the deed of dedication include the roadway of Bennett Drive. Councilman Merry pointed out the ordinance only mentions dedication of the sanitary sewer line, storm sewer line, water line, and easements therefor. He said the road is not included in the ordinance. Mr. Grinton stated he had no reason to exclude the roadway from the deed of dedication for that one section of the development.

Councilman Ebner asked if the motion needed to be amended so the City Attorney can include the roadway in the resolution for acceptance.

Councilman Dewar pointed out that Council had had some serious discussions with Gem Lakes and the rules are that for a road you build it, you inspect it, you wait a year—for Gem Lakes it has been two years—then you accept the road. He said Council cannot arbitrarily throw the road in the acceptance.

Mr. Grinton stated the road has been completed for two years. Councilman Merry asked if the Engineering and Utilities Department had specifically done the road inspections. He asked if Mr. Grinton was prepared to recommend acceptance of the road. Mr. Grinton stated in 2011 the road was constructed, and in 2013 it was first eligible for the developer to request dedication.

Councilman Dewar stated that was fine then, but he just wished the agenda packet had included the roadway. Councilman Merry stated the resolution could be revised for the acceptance.

Councilman Ebner stated we have had issues in other areas. He asked if there needs to be a motion to revise the resolution to include the roadway acceptance.

Mr. LeDuc stated we do need a motion to revise the resolution to include the roadway. He said when he read the memo, it was not very clear that the roadway was to be included.

Councilman Ebner noted to the City Attorney that the resolution needs to state that the roadway of Bennett Avenue is included in the deed of dedication. Mr. Smith pointed out that the deed which was sent to the city for approval does include the street known as Bennett Avenue. He said it was a typographical error to leave that out of the resolution. He asked that the motion be amended to include the street known as Bennett Avenue as shown on the plat of Dupont Pointe in the dedication.

Councilman Merry stated for the record Mr. Grinton had stated that the Engineering Department had inspected Bennett Avenue, and he is recommending its acceptance. He pointed out that he also did not pick that up from the memo that Mr. Grinton had written. He said for the record Mr. Grinton states they have inspected the road and recommends it acceptance.

Councilwoman Price moved, seconded by Councilwoman Diggs that Council approve acceptance of the deed of dedication of the infrastructure on the Bennett Drive portion of Dupont Pointe development. Councilwoman Price amended her motion to ask that the resolution of acceptance be amended to include the roadway of Bennett Avenue in the resolution of acceptance. Councilwoman Diggs accepted the amendment. The motion was unanimously approved.

SILVER BLUFF WATER TREATMENT PLANT – RESOLUTION 07142014FRaw Water LineWellPublic Safety Station 4Silver Bluff Road

Mayor Cavanaugh stated a resolution had been prepared for Council's acceptance of an easement for the Silver Bluff Raw Water Line.

Mr. LeDuc read the title of the resolution.

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A WATER LINE  
EASEMENT FROM CANDIDO J. URTIAGA.

Mr. LeDuc stated as part of our construction of the Silver Bluff Water Treatment Plant we must install a raw water line connecting the plant to the well we have behind Public Safety Station 4 on Silver Bluff Road. Mr. Grinton is recommending that for the Silver Bluff Water Treatment Plant that a raw water line easement be procured to save some money from having to bore under Silver Bluff Road. We have reached an agreement with the property owner to obtain an easement for \$9,000. This will allow us to directly connect to the Silver Bluff Water Treatment Plant along the east side of Silver Bluff Road, therefore avoiding several borings underneath Silver Bluff Road, which would cost more than this easement. We also avoid waiting on SCDOT to obtain rights-of-way on the western side of Silver Bluff Road as part of this roadway expansion.

For Council consideration is a resolution to accept an easement for the Silver Bluff raw water line.

Councilman Ebner asked for some background on the matter. He said he was under the impression over the period of time that we were getting free right of way on SCDOT. He pointed out that Silver Bluff Road improvements have been delayed 7 or 8 years. The design is complete for Silver Bluff, and they are in the land procurement phase now. He wondered if SCDOT's procurement would eventually include this right of way.

Mr. Grinton responded not on this side of Silver Bluff. He said the predominate amount of property SCDOT is procuring is on the north side of Silver Bluff. He said they are proposing to stay on the same side as the plant to eliminate two bores under Silver Bluff Road. He said the reason he was told that we were going to the other side of Silver Bluff is that we could not come to an agreement with the property owner next to the city at Public Safety Station 4. When the construction manager was looking at the project, he was challenging that. Mr. Grinton then said let's see if we can change the property owner's mind to grant the easement. Over the last three or four months we have been talking with the property owner. We did an appraisal of the fair market value of the easement, and they were to convince him to grant the easement. He said having the easement would save the city more than the money that would be spent acquiring the easement.

Councilman Ebner stated he understands that, but he was wondering if we have made the check to see if the State is going to buy this piece of property on this side of the road. Mr. Grinton stated SCDOT is not going to buy the property on this side of the road. He pointed out the city needs just a little bit more than what they have on the other side of the road. He said this will give the city the extra footage needed.

Councilman Merry moved, seconded by Councilman Dewar, that Council approve the resolution to accept an easement from Candido J. Urtiaga for the Silver Bluff raw water line. The motion was unanimously approved.

PALMETTO UTILITY PROTECTION SERVICESUnderground Facility Damage Protection ActMembership

Mayor Cavanaugh stated Council needed to consider approval of a membership agreement with Palmetto Utility Protection Services, Inc.

Mr. LeDuc stated the General Assembly passed the Underground Facility Damage Protection Act that requires all public utilities to join the State of South Carolina's Palmetto Utility Protection Service [PUPS]. We have received a cost estimate for this mandatory service, which we estimate to be \$6,838.00 for FY 2014-15. This budgeted item is based on a per-notice charge of \$0.79 per call to their 811 service. We are requesting Council's approval for execution of this membership agreement. Normally this would not come before Council, but Mr. LeDuc wanted Council to be aware of the unfunded mandate from the state. Previous to last year the call-out system for locating utilities was paid for by individuals like Aiken Electric Cooperative, SCE&G, Duke Power, AT&T, etc., but the cities and counties in the state that have a utility system have now been asked to pay a certain share of the cost for this call-out service. Our cost has been estimated to be \$6,838. He said he was bringing this to Council so Council is aware of what we are being asked to do by the State.

For Council consideration is approval of the membership agreement with Palmetto Utility Protection Services, Inc.

Councilman Dewar stated he had looked the organization up on the internet. He felt this is a money grab. This is a utility companies getting together and deciding they are going to charge the cities. He said he was not going to support the motion. He said he did not know that we have to join the organization. This is a service they have provided. This is the people who mark the yellow, blue and green lines on the streets when any construction takes place. He said there is no financial data available about the Palmetto Utility Protection Services. There are no financial documents. There is an executive director who gets paid. He pointed out that not all the utility companies are members. He said Atlantic Broadband is not a member. Aiken Electric Cooperative is a member. He said the fee will be \$0.79 this year, and what will it be in a couple of years. He felt this is opening the door for something we have not been required to pay in the past.

Councilman Merry said he would offer a thought. He pointed out the utilities and this organization never did this for free. It is the General Assembly that is suddenly passing this cost on to us, not PUPS. There was always a cost for it. In the construction business, this is a vitally important thing to have them come out and mark the utilities. There is certain protocol that you follow, but basically in exchange for getting the underground lines for free you relieve yourself of any liability as a builder or developer should you happen to hit one of those lines. He said if you hit a gas line, a water main, or main power line, not only do you have the cost to repair it, but you can have some pretty significant costs as well. Within the building and development industry, it is a very important thing to have the marking. If someone is not paying these companies to do it, then they won't do it. They don't care if you cut their line, you pay for it. They don't care if you do it or not because you will end up paying for it. Once you have it marked by PUPS if you cut the line and it is not where it was marked, it is their problem not the builder's problem.

Councilman Dewar asked where it says that. He said there is no liability issue addressed in this that he knows of. Councilman Merry responded that is how it works. He said all of the information he has on it, he has learned from direct communication with their operators and field marking representatives. He said if there is a yellow line on the ground for a gas line, you are digging and you are more than two feet away and you cut the gas line over there and something blows up, because it is more than two feet from where it was marked that is their responsibility. They pay for the damages, repairs, etc. He said twice he has cut phone lines well outside the marked area, and the phone people had to come mark those both times. Because they were so far away from where they marked, it did not cost him anything. He said fortunately with phone lines you don't have explosions, but it is a very significant thing that reduces liability for the builders and

developers. He said the people who have passed this cost on to us are not the power companies and utility providers, it is the General Assembly.

Councilman Dewar stated if the General Assembly passed it, the Senate had to have passed it. The General Assembly can't just make a law by itself.

Councilman Merry pointed out that someone has been paying for this service all along, but now the legislature has said pass this cost to the cities.

Councilman Dewar stated he would hope that when these utility companies decide what they are going to charge us for whatever they provide, TV, power, gas, etc. that they factor this in. State-wide it has to be a lot of money. He said this is tantamount to the airlines deciding to charge us for something they have been providing free and that they include in their rates.

Councilman Merry stated he did not know enough about how they charge, but he did think that the rate next year will not be \$.79 but may be \$.89, etc. and he agreed with Councilman Dewar on that. He said he did not like the fact that we have to pay for it, but it is a very necessary service.

Councilman Dewar stated he understands, and his only point is that he would assume that they have already included it in the rates they are charging us. He asked if our rates would go down state-wide if they don't have to pay for this, but said he did not think so.

Councilman Ebner stated he looks at this as a cost of doing business. He said we are in the fee business today for anything they can pawn off. He pointed out all of these are public related utilities already. He said this is a hidden tax. He said the thing is that we probably don't hear a lot of them that go on. He said they say it reduces the price of electricity. He said we will never see a reduction of \$6,838. He said it is just a lobbying effort to move money from one pocket to another. It is all public utilities, just like the city is a public entity. He said we will just charge the 30,000 citizens in Aiken that amount of money is what it amounts to.

Mayor Cavanaugh stated there had been a motion for approval. He called for vote. He said this is a state law, and he felt it is something we need to do.

Councilman Merry moved, seconded by Councilwoman Price, that Council approve the membership agreement with Palmetto Utility Protection Services, Inc. This motion was approved by a vote of 5 in favor and 2 opposed. Councilmembers Dewar and Ebner opposed the motion.

#### WINTER STORM PAX – BUDGET ORDINANCE

##### FY 2013-14 Budget

##### Ice Storm Expenditures

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Fiscal Year 2013-14 budget regarding Winter Storm PAX expenses.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014.

Mr. LeDuc stated Winter Storm PAX caused a number of unplanned budget expenditures. This has resulted in several accounts in the Public Services Administration Division and overtime payroll accounts in Public Services, Parks, Recreation and Tourism, and Engineering and Utilities Water and Sewer and Storm Water Divisions to be overspent. Finance Director Kim Abney provided a memorandum and spreadsheet detailing the request for these budget adjustments which will be offset by reimbursements received or to be received from FEMA. He said because there were so many changes and so many line item issues, for auditing purposes, we wanted to go ahead and balance the

revenue and the expenditures to the best of our ability. He stated that Ms. Abney and Mr. Bedenbaugh had spent a lot of time on these matters and would be happy to answer any questions.

For Council approval on first reading is an ordinance to amend the Fiscal Year 2013-14 budget for Winter Storm PAX related expenses.

Councilman Ebner moved that Council suspend the rules and discuss this item before voting on it. He said there had been a lot of discussion over the last month. The motion was seconded by Councilman Dewar and unanimously approved.

Councilman Ebner stated Ms. Abney needed to explain what she did. He said he thought he knew, but he wanted to be sure he understands. He said he knows a lot of energy went into this matter. He said perhaps Ms. Abney could take one account and explain what this means and what this is in relation to the amount of money we are claiming from FEMA.

Ms. Abney stated we tried as much as possible to keep all the expenses related to the Winter Storm PAX in the Public Services Division for Administration, which is our Account Number 4110. However, we also had salary overtime expenses and the gas charges follow the vehicle. She pointed out on the list distributed the listing below the 001-4110 accounts and said that is overtime for the employees of other divisions that helped during the storm. There was also some expenses in fund 002, which is the Water and Sewer Utility Fund and fund 006, which is the Stormwater Fund. She said 002 and 006 are much smaller, but she wanted to be sure that we reimbursed those funds as well. She said that will be done with a transfer from the General Fund revenues to reimburse Fund 002 and 006. She pointed out these expenses were as of July 2, 2014. She pointed out we are still writing checks until July 15 that relate to June 30. She said some of the figures for expenses may go up some for the contracts that we are paying for the hauling and the things that Mr. Coakley and Mr. Bedenbaugh talked about in their report on the storm. She said for second reading the numbers will be a little higher because they will need to include all expenses through June 30, 2014.

Ms. Abney stated if they did not do the budget adjustment, the budget would be overspent in all the categories listed. She pointed out we will likewise have revenue for the FEMA reimbursement, which is about \$623,000 for fiscal year 2013-14. She said we will get significantly more than that, but it will all be in the year July, 2014 through June, 2015. She said staff went through and looked at all the accounts over budget. She said she did work with Mr. Coakley to confirm that these are storm related expenses and listed them for Council's approval on first reading at this meeting and will update the listing for second reading.

Councilman Ebner stated he had a number of clarifications for him which might help some of the Councilmembers. One of the issues is that we paid for a lot of these services in 2013-14 budget, but we received the reimbursement after June 30, 2014, for these expenses. He asked how we get the money back into 2013, as we took the money out of Reserve Funds to pay for this. He asked if we could credit back to last year. He asked if we show our budget unbalanced for last year. He said it had to be, because we took the money out of Reserves.

Mr. LeDuc stated except for the money that we are going to send to the cities, we presently have about \$622,000 that we did receive by June 30, 2014 in revenue. The expenses listed by Ms. Abney come fairly close to that amount, except for what we are having to pay the cities. He said we do know that the expenses will be higher than the revenue in 2013-14. He said we will probably have a deficit of a little over \$100,000 for 2013-14. Ms. Abney pointed out we will have the haulers expense so it will be a little more than \$100,000. Mr. LeDuc stated on the other hand when we get ready to balance the budget over the last 10 years we have had about \$505,000 of revenue over expenditures. He said whatever number we have will be reduced as far as our balance for the last year. He said we do know that for next year 2014-15, we will have excess revenue because we will have the FEMA money in and will not have that many storm expenses. He said it is a balancing aspect. He said the auditors and FEMA are looking at



it as we can't start mixing the money from one year to the next. He said we are just trying to be transparent in what happened with FEMA and our expenses and are trying to show Council approximately what numbers we have as a full cost. He said in the past Council had been asking about the expenses, whether we were over budget, and what is happening. He said staff was trying to give Council a full cost accounting.

Councilman Ebner pointed out the first line on the list of overtime with budget being \$1,000, actual as \$9,287.37 and balance (\$8,287.37). He asked if \$8,000 is charged back to the account for whichever year it was due. If the money came in before June 30, 2014, we put that money in. If it comes in after June 30, 2014, he asked if we still reimburse that account in the 2013-14 budget. He asked what we do with the money.

Ms. Abney pointed out that on the first line the overtime budget is \$8,237.37 over budget. She said we know that those folks worked on the storm, and that basically attributed to that overtime. She said the total that she is asking for approval as of July 2 was only \$623,000. She said they would increase the budget for revenue, because it has to be balanced. She pointed out the amount may be more such as \$750,000 over expenses. She said we will have an offsetting revenue of \$750,000. She pointed out we will not have \$750,000 in FEMA revenue in the year ended June 30, 2014, because it has not been obligated.

Councilman Ebner asked about the direct labor with the overtime of \$8,200. He said there is some direct labor that is paid for extra hours. For \$8,200 there was about \$16,000 worth of regular straight hours that went with this \$8,200 of overtime. He asked if the account was also reimbursed for that money. Ms. Abney responded no. Councilman Ebner asked why not. Mr. LeDuc responded that was already in the budget. Councilman Ebner stated if you paid \$8,200 over time, you had to have overtime hours worked to get that money. He said if you had a 40 hour work week in the budget and you work them 60 hours, you have 20 hours that was not in the budget and you paid overtime for those 20 hours.

Ms. Abney stated this is the overtime, but the 40 hours is in a line item or account code. Councilman Ebner stated he agreed, but the person worked more than 40 hours per week and worked 60 and 70 hours a week. Ms. Abney stated only the overtime is over what was in the budget. If the employees had not worked very much, we would have been within the overtime, as we had \$1,000 for overtime in the budget. She said even if they had worked on the storm, but did not go more than \$1,000, staff would not be asking Council to adjust that. She said their regular salaries did not go over because we were going to pay them the 40 hours. They may not have done what we thought we were going to pay them for when we set out the budget for the fiscal year 2013-14, but they still worked 40 hours. She pointed out their overtime goes in Overtime, which is another account category.

Councilman Ebner stated to get overtime, the employees had to work greater than 40 hours per week. Councilman Dewar asked if FEMA only reimburses overtime and does not reimburse straight time. Mr. LeDuc stated they do reimburse straight time. Ms. Abney stated for the people who worked on debris removal, which was the bulk of what we are turning in the reimbursement request for, we are reimbursed for that person's straight time, overtime, and a FEMA calculated benefit rate of 60.02%.

Councilman Dewar stated nobody in the room knows better than Ms. Abney, but this gets to be an extremely complicated process because we are getting reimbursed by FEMA for our contribution to the retirement, for medical, etc. and none of this is visible here. He said he was not sure how much into the weeds we want to get. He said at some point in time it would be nice to be brought up to date because, as he understands it, the city will get reimbursed from FEMA in part for our pension contribution this year. Ms. Abney stated it is part of the 60.02% rate that they approved for our benefits. Councilman Dewar asked Ms. Abney if she was going to break that 60.02% out to where it goes. He pointed out some goes to pension, some to medical, etc. Ms. Abney responded that our pension contribution did not go over budget. The city contributed what our pension contribution was. We did not have to contribute more because we had a storm. She said that will go to Mr. LeDuc's point of the fiscal year that just started 2014-15 we anticipate

a surplus related to the reimbursement from FEMA for the storm of somewhere near \$500,000.

Councilman Dewar stated his point is that the reimbursement applies for medical coverage, retirement, etc. and is more than just straight time and overtime and is something like a 60% factor. He asked what the city was going to do with the 60% factor. He asked how that would be applied.

Mr. LeDuc stated if we look at the employees that worked for Mr. Coakley and did the bulk of the debris removal during the months of the latter part of February, March, April, May and June, they were already intending to be on the street picking up debris removal. They were doing just what they were intended to do. He said we are fortunate that all the money we had set aside whether it be for pension or fuel, equipment, or anything else that was related to debris removal assuming no storm happened, we are now getting reimbursed a certain percentage from FEMA for that work. We do have expenses with contractors and other cities that we are paying out of the money we received. He said staff reviewed earlier a breakdown of the fact that we received approximately \$623,000 to date. We expect another check within a couple of weeks of another \$619,000. Then we will be having another reimbursement. Every time we do this there is paper work that goes to FEMA which is very thick. He pointed out the amount of paper work that was done just for some work they did in Woodside. He said you have to turn in time sheets, how many hours the employees worked, how much equipment time, and a lot of other things. He said what we were trying to do at this meeting was to show Council what the expenses were because that was some of the questions that Council had. He said staff believes this will be helpful for the auditors when it comes time to balance all these accounts to see what we have. He said staff would be happy to share everything. He said staff was trying to give Council as much full exposure to this as possible. He said in regards to the question about reimbursing the pension account, we do not plan to reimburse the pension account, as the pension money was already in the budget for all the employees. Whether they worked overtime or not it is the same pension they will be receiving when they retire.

Councilman Ebner asked if no statutes apply to overtime. Councilwoman Price pointed out that Ms. Abney has a dedicated person in the Finance Department who has been working on this and has spent considerable time and knows what she is doing. She is an expert in terms of FEMA and FEMA reimbursement. She said Council has spent a lot of time on this. Council has had sessions. She thanked Ms. Abney for explaining this so she could understand it. She said this is a tough subject to discuss in terms of how FEMA reimburses. She said she was thankful that there is Ms. Abney and someone on staff who has spent a lot of time in terms of getting the details and doing it correctly.

Councilman Ebner stated that still did not answer his question. Councilman Homoki stated basically there has to be an accounting principle which someone wrote many years ago, whether the deficit should be assigned to the 2013-14 budget or the 2014-15 budget. He said there has to be something. He asked if we are on an accrual or cash basis. Ms. Abney stated for the city's financial statements month to month, we are pretty much what one would consider as cash basis. However, the June 30 financial statements are on accrual basis. It has to be that way because that is how we have to report in accordance with generally accepted accounting principles.

Councilman Homoki stated we will have a deficit in 2013-14. Ms. Abney stated we will have approximately somewhere about \$100,000 deficit related to this event, but, as Mr. LeDuc stated, historically the city has had a surplus of an average of \$500,000. That surplus will be reduced by approximately \$100,000 for FEMA for the year ended June 30, 2014. However, fast forward a year we will anticipate approximately a \$500,000 surplus in the year ending June 30, 2015. She said to the question about revenue recognition, the FEMA rules changed. This is a new rule related to the pilot project that we cannot recognize the revenue until it has been obligated by the Federal Government. Years ago when we had an event in January, 2004, we recorded all that as receivable, but we did not get that money until January, 2005, which was outside our scope for revenue recognition and probably should not have done that. Now FEMA says we cannot recognize the revenue because it is not considered ours until it is obligated by the Federal

Government. If it is not considered the city's we cannot recognize it for June 30, 2014. She said she had had conversations with our auditor, and will continue conversations as they come in August. She said right now that is the way they understand each other—the money cannot be recognized because FEMA did not obligate it until July, 2014.

Councilman Homoki stated it seems that Ms. Abney is saying that we have a slight reserve so we are going to tap the reserve to zero out our books as of June 30, 2014. Then we are actually going to get a little bit of a surplus from FEMA next year and we will put that back into the surplus. Mr. LeDuc stated that is a good way of looking at it. Councilman Homoki stated that overtime and contractors are pretty much the same—extraordinary beyond what we programmed in the initial budget whether it is overtime or a contractor. Mr. LeDuc stated that is right and that is why most of the expenses on the list are overtime or contractors. He pointed out the second line on the list for Other Professional Services of \$339,176.33 is for outside contractors, which is the bulk of our expense. The rest of the bulk is basically overtime.

Councilman Ebner stated he would try another approach. In the budget we had an average work month of 172 or 173 hours for 4 1/3 weeks. He said we have in the budget that the average employee will work 172 hours a month. He said let's take the month of March and say an employee is working instead of 40 hours a week, he is now working 70 hours a week. He works 4 x 70 which is about 280 hours. That extra between 172 and 282 is another 100 hours. He asked where that base pay goes. He said the city paid him the base pay above what is in the budget, and then we paid the employee overtime for the extra 100 hours. Mr. LeDuc stated when we submit it to FEMA the base pay is shown for regular hours, and then you show overtime hours for those employees. Councilman Ebner asked if we reimbursed the city for the 100 hours of base pay also or not. Councilman Ebner stated the employee worked 100 hours above what is in the budget for last year because he picked up storm debris seven days a week. He said we charged FEMA for that extra 100 hours above the budget. He asked if the city reimbursed ourselves from FEMA for that other 100 hours per employee. He said we did the overtime, but did we do the 100 hours.

Ms. Abney stated she was confused about the 100 hour thing. She said for the 40 hour work week, the person is a City of Aiken employee picking up trash, sweeping the streets, etc. or whatever he was supposed to be doing during that time. That is charged to an account that is called our regular salary with an account number with the last numbers being 10-01. That account is not over budget, because they were supposed to be a city employee for 40 hours a week every week during the year. She pointed out we got reimbursed from FEMA for that. If the employee worked on debris during that time, the city got reimbursed for the first 40 hours plus any overtime, plus the FEMA approved benefit rate of 60%. She said we are not making a budget adjustment to regular salary because we did not go over in the regular salary account, as the employees were supposed to be here for 40 hours.

Councilman Ebner stated if we had 30 employees, and they all worked 40 hours per week that would be 1,200 hours. If they worked 70 hours per week for 40 employees that would be 2,800 hours. He asked where the extra money went. He asked if FEMA reimbursed us for the extra hours per month.

Councilman Dewar pointed out that FEMA reimburses the city for all wages. Councilman Ebner stated he was trying to figure if we are putting that base pay back into our account. Councilman Dewar stated accounting-wise it does not work that way. Accounting-wise we will take the FEMA check, and the only money we will have to pay into an account is the overtime. Our budget already has the regular time. That is why we will end up with money in the pot when it is all said and done.

Councilman Ebner said he would work the numbers out with Mr. LeDuc off line. Councilman Homoki pointed out that most of the department divisions have projected overtime pay. If they use up the projected budget overtime pay do we charge FEMA for those. Councilman Ebner stated they were not on the same wave length. He said he would work on it off line. He said the employees worked more than the normal 40 hours a week for several months. He said all he was saying are we reimbursing ourselves for

the base plus overtime. He said we do overtime, but do we do the base pay. Councilman Ebner asked if the overtime included the base hours, plus 50%. Ms. Abney stated overtime was just overtime. Councilman Dewar stated the base hours were in the budget Council approved last year. Councilman Merry stated the part that confuses it is that the budget allowed for these people to be on the payroll, but FEMA reimburses the city because those people happen to be doing debris removal. He said you have twice the money coming in for the same hours.

Councilman Homoki stated he would try. He said if all the employees were prohibited from working overtime, we would have to contract for anything beyond their 40 hours per week. The only thing we could actually charge FEMA for would be the overtime beyond the standard 40 hours per week if the employees could not work overtime. The only thing we could charge would be what we contracted for an outside agency.

Mr. LeDuc stated the overtime that Councilman Ebner is talking about, whether it be 10, 20, or 30 hours per week, is shown on the sheet. Councilman Ebner stated then the extra hours per week is on the sheet. He asked if that is included in the \$8,287 in the first line item named overtime. Mr. LeDuc stated anytime there is an overtime number that is what the people worked. Councilman Ebner stated if we had 40 hours in the budget and the employee worked 60 hours, then 20 hours plus the overtime for the 20 hours is in that number. Mr. LeDuc stated 20 hours is 20 hours of overtime so they got paid for 30 hours of regular time which is 1 1/2 times the 20 hours. Councilman Ebner asked who paid for the 30 hours. Mr. LeDuc responded FEMA. Councilman Ebner asked if that was credited back to the budget. Ms. Abney stated that is what she was asking for on the list that was presented to Council for overtime.

Mr. LeDuc stated he hoped they are on the same wave length. Councilman Ebner stated he hoped they were because if not it is a bunch of money. Mr. LeDuc stated that is what staff was trying to do; expose it all so they could see what staff is doing.

Councilman Dewar stated the city would have a lot left over when all is said and done.

Councilman Dewar moved, seconded Councilwoman Diggs, that Council approve first reading of an ordinance to amend the fiscal year 2013-14 budget regarding Winter Storm PAX related expenses. The motion was unanimously approved.

Mr. LeDuc stated they could talk again in August. Councilman Ebner said he would ask the auditor to check it. Councilman Merry suggested that if it is to be discussed again at second reading that Ms. Abney have something so she can illustrate an example. He said it is hard to talk numbers in the air. He said it helps to see them on a piece of paper. Ms. Abney could write out an example.

#### BUDGET – ORDINANCE

##### Amendment

2014-15

Accommodations Tax Funds

Railroad Depot

Whitney Polo Field

Mayor Cavanaugh stated an ordinance had been prepared for Council's consideration to amend the Fiscal Year 2014-15 budget to allow for improvements at the Railroad Depot and Whitney Polo Field.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AMENDING THE BUDGET OF THE CITY OF AIKEN FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015.

Mr. LeDuc stated as part of our FY 2014-15 budget process we formed a Local Accommodations Tax Fund committee to review our appropriations process, not just for this fiscal year, but for future fiscal years. The committee, composed of Councilmembers

Dewar, Ebner, and Merry reviewed our budgeting process for our 007 Fund, which primarily receives revenues from local hotels. Money appropriated is for "bricks and mortar" projects that encourage tourism. Mr. LeDuc said this proposed budget adjustment, will allow up to \$100,000 to specifically put in a deck at the Railroad Depot. If the deck is only \$60,000, then we will only spend \$60,000. Whatever the deck costs we can spend up to \$100,000 for the drawings and get the contractor to do the work. The recommendation also includes \$40,000 for this year with the intent for the next two years to contribute towards the construction of a pavilion at the Whitney Polo Field. He said there is a proposed commitment for \$120,000 for the pavilion at Whitney Polo Field and \$100,000 for the Railroad Depot. It is being suggested some time, late summer or fall, we go out to the community, to the non-profits, and ask if they have any "bricks and mortar" projects that could be considered in the future. He said the thought is to try to provide 50% of the money from Accommodations Tax, which is about \$200,000, to projects that will bring in more tourism or visitors to stay in the motels and hotels. He said the thought is to get Council looking more long term. Then in the fall look at other projects beyond the pavilion or projects at the Railroad Depot. We will ask different groups to come before Council and make presentations for longer term.

Mr. LeDuc stated the committee reviewed the Council-approved FY 2014-15 budget and recommends to Council two budget adjustments.

1. Add \$26,000 to the Railroad Depot for construction of a deck adjacent to the two passenger cars located behind the building.
2. Add \$40,000 in a new budget line item to provide for the construction of a pavilion at the Whitney Polo Field. The \$40,000 commitment is intended to be the first of three payments from this account for a total of \$120,000.

There are sufficient Local Accommodations Tax funds in our reserve accounts to make these budget adjustments.

For Council consideration on first reading is an ordinance to amend the Fiscal Year 2014-15 budget to allow additional expenditures of Local Accommodations Tax funds for improvements at the Railroad Depot and Whitney Polo Field.

Councilman Dewar asked how much total would be allocated to the Railroad Depot out of this budget. Mr. LeDuc responded it would be \$100,000. There is already funds of \$74,000 in the budget. We would add \$26,000 for a total of \$100,000.

Councilman Ebner pointed out one version of the preliminary budget had \$100,000 for the Railroad Depot, and then it was reduced to \$74,000.

Councilwoman Price pointed out the other total is \$120,000 for Whitney with \$40,000 for the 2014-15 budget year. Mr. LeDuc stated the reason he mentions the \$120,000 is when they have their campaign that allows them to know that City Council is saying in this ordinance approval that over the next three years \$120,000 will be allocated, so they will know how much money they need to raise from their local funds.

Councilman Dewar stated a deck would be built whatever that cost. He asked how that translates for them. Mr. LeDuc stated it is felt that will be enough to build the deck. It is felt that the cost may be \$60,000 to \$75,000, depending on the material to be used. He said it is proposed that a plastic lumber called Trex be used. It is more expensive than the normal lumber. He said we will know what the cost will be in the next few months.

Councilman Ebner stated the proposal is to get a concept plan and an estimate. Mr. LeDuc stated the next step after Council approves the funds in August, staff will be able to go ahead and look at the drawings that we have now which may be sufficient, or we may have to get a conceptual drawing. He said we don't need the final drawings for the deck. He said he hoped by the end of the calendar year that there will be a deck at the Railroad Depot.

Councilman Ebner pointed out that the current drawings are not sufficient to estimate or build by. He said he had been pushing it for three years. He said we need to have the right plan so someone can estimate it. Mr. LeDuc stated he hoped we would get enough detail that they could bid on it. Councilman Ebner stated that was his intent. He said he wrote a scope of work. He said we need a concept plan agreed to by the Construction Committee of the Railroad Depot. He said he has the marked up drawing from three years ago that was agreed upon. He said we need to get it so anybody can bid it.

Councilman Merry stated he thought it was concluded in the committee meeting that we would first go back to the original architect who drew the plans and see if he would make modifications requested. Councilman Ebner stated the Interim City Manager would take care of that job. Councilman Merry stated that was the idea so we don't spend money on a whole new architect. Councilman Ebner stated all he wanted was the concept plan of what it is supposed to be. Councilman Merry said you can't get a bid until you have a set of construction drawings. Councilman Ebner stated that is what he is looking for and he thought it would be about \$5,000 or \$6,000.

Councilwoman Price stated she felt the proposed two projects are great projects—the Railroad Depot and the Whitney Polo Field. She said regarding the comment about other projects we have a wonderful Cultural Center. She said as we look at Accommodations Taxes and what will attract tourism, she would like for Council to look at that in the future as well.

Councilman Merry stated it is his understanding that there is about \$100,000 uncommitted right now from this fiscal year of Accommodations Tax funds, based on expected revenue. He said it was his recommendation that we go out to the community and ask for requests. He said Council does not know all the best uses and needs. He said the African-American Cultural Center, the Heritage Museum, etc. and others may be out there and be great ideas. He felt it is good to hear everything that is going on from everybody before Council commits the funds.

Councilwoman Price pointed out that some of the projects have more difficulty getting funds than others, and that is why she mentioned the Cultural Center.

Councilman Merry stated that ultimately goes as part of the decision process, but it is hard for Council to know everything that is happening, and it would be nice for the organizations to bring the projects to Council and ask for the funding.

Councilwoman Price moved, seconded by Councilman Merry, that Council pass on first reading an ordinance to amend the 2014-15 budget to allow additional expenditures from the Local Accommodations Tax funds for improvements at the Railroad Depot and the Whitney Polo Field. The motion was unanimously approved.

#### VENTURES INDUSTRIAL PARK – ORDINANCE

Coca Cola

Dr. Queen Harvey

Lot 14

Mayor Cavanaugh stated an ordinance had been prepared for first reading to consider the sale of Lot 14 in Ventures Industrial Park from Coca Cola to Dr. Queen Harvey.

Mr. LeDuc read the title of the ordinance.

#### AN ORDINANCE AUTHORIZING THE CITY OF AIKEN TO WAIVE ITS RIGHT OF FIRST REFUSAL IN THE PROPERTY OWNED BY PIEDMONT COCA-COLA BOTTLING PARTNERSHIP AND LOCATED IN VENTURES INDUSTRIAL PARK.

Mr. LeDuc stated the City of Aiken sold lot 14 in Ventures Park to Coca-Cola in 2000 with the intention that this would become a regional office and distribution center for their operations. They have not exercised that option and decided not to move forward with that project. They would like to sell their rights to this lot to Doctor Queen Harvey

to build a conference center of approximately 10,000 square feet for meetings, conferences, weddings and other events. The City has the Right of First Refusal for the property and would need to approve the sale of the property. If the City wanted to they could purchase the property and pay \$156,000, or the City could give permission to sell the property to Dr. Harvey for this particular purpose.

Mr. LeDuc stated he had talked at length to Dr. Harvey about this project. He said he had reminded Dr. Harvey that Ventures is an industrial park, and that within an industrial park there may be more noise than in other areas. He pointed out that Newman Technology backs up to this property and makes auto parts. He said this is not typically where a facility for a conference center would locate. Dr. Harvey is very aware of that. He said he wanted to state for the record that this discussion has happened. He said Dr. Harvey is very enthusiastic and ready to move forward.

Ventures Park was primarily designed for possible airport related operations near the runways and industrial clients elsewhere. Currently two heavy manufacturing plants are located in this park, and Council will need to determine if the City deems a meeting facility is appropriate for this Park. We have included the Covenants for the Park which describes permitted and prohibited uses in Ventures.

A copy of the request by Coca-Cola asking the City to Waive the Right of First Refusal and to approve the sale to Dr. Harvey was provided to Council. Her attorney, Bradley Boni, has written a letter on her behalf giving a description of the project and why he feels this could be considered under the permitted use.

For City Council consideration is approval of the Waiver of Right of First Refusal for Coca-Cola to sell lot 14 in Ventures Park to Dr. Queen Harvey for a conference and meeting center.

Mr. Brad Boni stated he was the attorney representing Dr. Queen Harvey. He said he had been asked to speak on her behalf. He said he had written a letter for Council's information regarding the request for use of Lot 14 in Ventures Industrial Park as a conference center. Mr. Boni stated he wanted to give Council some perspective on this Park. He said the City of Aiken has owned the park for about 55 years. In about the mid-1990's the park was developed and restrictions placed on the development. He said he thought there were about 17 lots in the park. In 1998 the restrictions were amended and amended again in 2000. He said in 2001 Piedmont Coca Cola Bottling Company bought the property from the City of Aiken. The sales price was \$157,000. He pointed out that Coca Cola has done nothing with the property and built nothing. At this time they have no interest in building in the park. He said he thought that Coca Cola had offered the property back to the City of Aiken previously, and the City of Aiken did not want to purchase the lot because the City already owns a number of lots in the park. Currently there are two properties that have been developed in the park, including Newman Technology and a Machine Shop. He said there are 17 lots in the park, and only two have been developed in almost 20 years. Coca Cola found Dr. Harvey as a buyer. She is enthusiastic about buying the property. There are two issues before Council. One is for Council to waive their right to repurchase the property. The second one is for Council's approval for the purchase of the property and for the project to go forward. Under the amended restrictions and covenants, the City has the right to refuse the approval. He said he would concede the point that initially the development was made for an industrial park. The city obviously wanted to have manufacturing plants in the park. They did leave open in the covenants also to have business or professional uses in the park. That is under Section 2(b) of the amended covenants. In that section there is a list of prohibited uses, and none of those are anywhere near what Dr. Harvey is proposing to do with the property, which is a 10,000 square foot multi-use convention center for various types of events. He said he was not aware of this type facility in the area. One would have to go to Augusta or Columbia to find such a facility. Dr. Harvey has already received significant interest from more than one corporation about using the convention center. She would not have any type of cooking facilities in the building. There would be some type of prep-kitchen where the caterers could come in and prep their food, but it would not be a working kitchen. Mr. Boni also pointed out that in the section of the covenants regarding uses in industrial/business/professional there is a list of ancillary uses at the

park. Obviously those were supposed to be ancillary to existing industrial businesses or some other type manufacturing plant. The list includes things that would be similar to a convention center, such as training and educational classroom facilities. It also mentions child/elderly daycare facilities, central catering, cafeteria, restaurant facilities. He felt it was not perceived from the City that these types of facilities would not be in the park.

Mr. Boni stated the first thing Council needs to do is address the waiver with Coca Cola whether or not they want to buy the property back. He pointed out the City of Aiken still owns a number of lots in the park and probably does not want to own another one. The second thing for Council is to approve Dr. Harvey's use of the property. Based on the fact that currently there are only two properties in the park in use, and the proposed use does fall under a business/professional category, and ancillary uses are similar to what is proposed for the property, he feels and Dr. Harvey feels the proposed use would be a viable use of the property in Ventures Park. He also noted that the very beginning of the covenants for the park states the purpose of the park as being to grow the economy of the City of Aiken, to generate jobs, diversify, and essentially continue the vitality of the City of Aiken. He said Dr. Harvey would answer any specific questions about the facility. He thanked Council and those involved for being able to have the request on the agenda.

Councilman Dewar stated the question he has is whether Council is being asked to approve the sale of the property. He asked what the process is for approving the business at that location, and if that is a separate process.

Mr. Gary Smith, City Attorney, stated the proposed ordinance does not include a provision for Council to accept the use that Dr. Harvey is proposing. The ordinance can be amended to include that if Council would like. He said he thought the concern may be that the covenants actually contain a provision that say that any use that goes in the park is subject to the approval of the City. Mr. Boni stated that is correct. Mr. Smith stated if Council is inclined to approve the use he could amend the ordinance in time for second reading to allow that. He said the issue before Council tonight is that the covenants give Council a right of first refusal to repurchase the property anytime property in the park is for sale. If Council decides they want to buy the property, Council has the right to do that.

Councilman Dewar asked if City staff had to give the approval for a business and issue permits, etc. He said he did not want Council to approve the request and then the business not get approved because of some technicality. He said it is almost like the Mellow Mushroom. They could not close until everything was finalized.

Mr. Smith stated Dr. Harvey would still have to comply with the building permit process of Aiken County. Councilman Homoki stated he understood the property is not inside the city, but the City owns the property. He asked how the property was zoned.

Mr. LeDuc stated the property is zoned to allow the proposed use as a UD zone. He said what he was hoping Council could do tonight is for Council to waive their right to repurchase the property from Coca Cola and approve the use of the property for the requested use. He said any time property in the park is to be sold, transferred, waived, such as with the airport, Council has the ability to approve or not approve it. The request is for Council to jointly approve Coca Cola being able to sell the property and the use as requested by Dr. Harvey.

Councilman Dewar asked if there might be any difficulty with the County approving the proposed use. Mr. LeDuc stated he did not anticipate any issues since the property is zoned UD and the proposed use is permitted in the UD zone.

Mayor Cavanaugh stated there had been some discussion about the proposed use and Dr. Harvey had already been talking with the County about the zone and use.

Dr. Harvey stated when she first approached the City she was told by the prior City Manager that she did not need to go through the City, but needed to go through the County. She said she had been through the County process of getting the zoning changed for the property and their approving the project. She said she will have to go back to the



County now that the plans have been drawn. She said Mark Graham had been hired to work on the project. She said she thought everything was okay and was at the closing table a few days before closing and the issue of approval of the city came up.

Mr. Smith stated there is a provision in the covenants that says the City reserves the right to approve any and all businesses or activities proposed to operate in the park. He said the request is to obtain Council approval for the particular business to go in the park, but it still needs to go through the regulatory process that all building construction has to follow. It was pointed out that the County has to issue all building permits. Mr. Smith stated the covenants do require that the business comply with the City's sign regulations, landscape regulations, etc. like all annexations do.

Councilman Ebner suggested that perhaps the ordinance needs to be amended so Council approves everything so Dr. Harvey can continue to move on the property and receive final approval of the ordinance at the August 11, 2014, Council meeting.

Mr. Smith stated if Council agrees he would propose a motion that Council adopt the ordinance as written subject to the amendment that the use as a conference center as proposed by Dr. Harvey is approved by City Council. He said he would modify the ordinance before second reading on August 11. Mr. Smith pointed out that the transaction takes two readings because Council would be waiving an interest in real estate. He said it is the same thing as a sale of real estate. Any time the City sells property, the sale has to be approved by Council by ordinance. When the City buys property it can be approved by a resolution. He said state law says it has to be done by ordinance.

Councilman Ebner stated this is the second incidence we have had at the airport dealing with property, and he wanted to do it right the first time.

Mr. LeDuc stated the ordinance for this was the same reason when earlier Council had to give permission for Aiken Aviation to transfer rights to property from Wayne Works Aviation at the airport.

Councilwoman Price moved that Council pass on first reading an ordinance to waive its right of first refusal to purchase property in Ventures Industrial Park owned by Coca Cola and that Council support the proposed use of the property for a conference center as proposed by Dr. Queen Harvey. The motion was seconded by Councilwoman Diggs.

Councilman Ebner asked if the proposed motion would hold up anything along the way, and if Dr. Harvey could continue to move on the project.

Dr. Harvey stated she was told that she needed to get Council's approval before proceeding. She said she is holding some funding that has been coming in because everything was supposed to be taken care of by July 9. She said everything is in limbo and backing is holding until this is settled.

Mr. Boni stated the seller and the purchaser have signed an extension of the contract. It has been extended into August past the next City Council meeting. All parties are willing to wait and understand the process.

Councilman Ebner stated that was his question. He said this is our second unfortunate incidence in selling land. He said he wanted to be sure we have it all straight, and everybody is happy with what we are doing.

Councilwoman Diggs stated she had known Queen Harvey for 15 years or more. She has always been very successful in any business ventures she attempts. She wished Dr. Harvey well with a conference center. She pointed out we don't have a conference center with meeting rooms and some place to host large wedding receptions, etc. She wished her much luck.

Dr. Harvey stated she hoped the proposed conference center would be something that is very elegant. She said it will be called Ashberry Landing.

Councilwoman Price stated in talking with Dr. Harvey, this is a venture by women. She pointed out that tonight we have heard two great discussions, one being with Second Baptist Church and what they are doing with their Dupont Pointe project, and then Dr. Harvey's project, which is what we are trying to do on the northside of Aiken to stimulate growth and also diversity in growth as well.

Mayor Cavanaugh called for a vote on the motion that Council pass on first reading an ordinance to waive its right of first refusal to purchase property in Ventures Industrial Park owned by Coca Cola and that Council support the proposed use of the property for a conference center as proposed by Dr. Queen Harvey. The motion was unanimously approved.

## PROJECTS

### Report

#### Capital Projects Sales Tax Projects

Mayor Cavanaugh stated Mr. LeDuc would report on some City of Aiken projects.

Mr. LeDuc stated the City of Aiken has several ongoing projects which are underway or will soon be under the guidance of the new Capital Projects Sales Tax Manager. Over the next one to two months our goal is to list all the projects on a quarterly basis for Council's review and to reconcile any overall project funding problems. We have attempted in the initial status report to list the unique elements to each project and recommended steps going forward.

Mr. LeDuc stated the listing is an attempt to give Council an update on projects that we have ongoing in the City of Aiken. Eventually the list of 8 projects will turn into a list of 12, to 16, to probably over 20 projects as to what is going on.

Mr. LeDuc briefly reviewed the first project listed – Dougherty Road to the Aiken Mall. He said in this particular project right of way has been acquired. A house on Murrah Avenue was purchased some time ago. Construction plans and cost estimates need to be finalized. He said there is an issue with Publix, and he will be dealing with that shortly. Funding in the amount of \$208,603 is currently available. The recommendation for this project is that staff meet with Publix and city traffic engineer on traffic flow in the center, develop final plans for Council approval and present those to Council this fall. He pointed out that each project has some mile markers for Council's review and a time when we hope to get some of these things done. Some of the projects will involve funding from the Transportation Infrastructure Bank. Some of it is from Capital Projects Sales Tax. He said before money is spent, we will make sure money is available to spend. There are questions on some of the projects. Staff needs to get together with the County. The County has committed to the City on the University Parkway project and Hitchcock Parkway. We have to meet with SIB. There are a number of other projects for stormwater that we really need to look at and determine where the money will come from so we can start prioritizing the projects. He said the listing is a first attempt to give Council some information.

He said he would answer any questions about these or other projects. If Council agrees with the recommendations, staff will begin implementing those steps to move these projects forward.

Councilman Homoki asked if the timing for the projects was dependent on how soon the County will be upgrading Dougherty Road. He asked if the County had a plan to widen Dougherty Road and improve it.

Mr. LeDuc responded a study was done on Dougherty Road by the City and County jointly to look at what the road will look like 10 to 20 years from now. He pointed out this particular project at Dougherty Road and Whiskey is to put in a double right turn lane similar to the double left turn at Dougherty Road and Silver Bluff Road. He pointed out that traffic used to back up at Dougherty and Silver Bluff, and it is now backing up at

Dougherty Road and Whiskey Road. He said this particular project would allow us to put a double right turn lane at Dougherty and Whiskey.

Councilman Merry stated he was asking for clarification on something that was said. He asked Mr. LeDuc if he said that we had a commitment from the County for Hitchcock Parkway and University Parkway.

Mr. LeDuc stated there is a commitment on the One Cent Sales Tax in CPT III that North Augusta, City of Aiken and Burnettetown have for a number of roadway projects that the County is anticipating to help fund. He said the total amount is \$13,000,000 in CPT III. They have not determined how that will be divided, plus they have not determined, based on the shortfall, if that \$13 million will now be \$8 million or \$7 million. He said a meeting is anticipated between North Augusta, Aiken County and City of Aiken in the near future where we can start hopefully making some decisions concerning that. Without having a full picture of where all the funding will come from, it is difficult for us to move forward.

Councilman Merry said he thought he heard Mr. LeDuc say we have a commitment for Hitchcock Parkway and University Parkway. Mr. LeDuc stated we have a commitment that the County had anticipated helping us with those projects, but we don't know the extent of what that commitment is.

Mayor Cavanaugh stated in the meantime the project is moving on as far as DOT is concerned.

Councilman Ebner asked Mr. LeDuc, on the Infrastructure Bank, if he had a plan to go to them regarding the three projects. He pointed out that these projects are all rolled together and the projects contain the full length of the road. He felt the next move is to go to the IB and see if we can divide these into three projects. Then we can do a part of each project.

Mayor Cavanaugh stated there had already been a lot of discussion on phasing. He said the concern there is still money. To do phasing you are supposed to have a way you are going to get the money for the next phase. Mayor Cavanaugh stated they are saying to do that it would be several years between the phases. Councilman Ebner pointed out that someone has to get approval to phase the projects. Mayor Cavanaugh stated that is what they are talking about.

Mr. LeDuc stated he had had discussions with Debra Rountree, who is the director of the State Transportation Infrastructure Bank, and with SCDOT. Ms. Rountree is to get back with him after talking with staff. He said he asked how we divide the three projects into separate contracts. Last summer Council approved an agreement with the Transportation Infrastructure Bank, but we would like to get a separate contract for Dougherty Road, University Parkway, and Hitchcock Parkway so we can better manage each one of the projects. She is to get back to him as to how we need to submit information to them to go forward with that. It may mean going to the state and talking to them. It is rebuilding the relationship with them.

Councilman Ebner pointed out that obviously we don't have the money for some of the projects in the near future. He asked if Mr. LeDuc would discuss longevity financing. He said the question will be whether the Infrastructure Bank can promise for a loan to stay open for 6 or 8 years. Mr. LeDuc stated those will be some of the questions he will have. He said we know that on Hitchcock Parkway that SCDOT is anticipating in late November or early December having the next public meeting, at which time we will have greater detail as to what the cost is, and what will be included or not included. He said there is still a lot of work to be done on that project, especially on sidewalks, bike paths, etc.

Councilman Dewar stated he had spoken to the County today trying to find out about the next ARTS Committee meeting, which is August 7, 2014. He said he asked the question just generally about the funding. At this point they are looking to phase it. Phase I would

be Silver Bluff to Huntsman. Phase II would be Huntsman to U.S. 1. The funding still has to be worked out.

Mr. LeDuc stated that is part of our questions. He said with the SIB if we want to phase it and do half now, the question is how that affects the money we are to get from them. He said there are a lot more questions than answers at this point, but the listing he provided to Council is to try to help Council see where we are on the projects.

Councilman Dewar stated he appreciated the listing. He said he did not think we can overly inform the public. He said at least everybody is on the same page in knowing where we stand with some of these critical community projects.

Mr. LeDuc stated if Council has questions to let him know. He said at the next meeting, there will probably be a listing of these projects with some update, and there will probably be more projects listed as he and Mr. Grinton get together and learn more about what is going on. Mr. LeDuc stated the listing was given to Council as information.

### MUNICIPAL BUILDING

#### 214 Park Avenue SW

Mayor Cavanaugh stated Council would discuss proposed use of the Municipal Building at 214 Park Avenue SW and changes to the Administration and Finance Building.

Mr. LeDuc stated on Monday July 7 City staff met with members of City Council and ADDA concerning potential changes to the City's Administration and Finance Building and possible use of the Municipal Building on Park Avenue. He said the committee had instructed staff that there were certain things that Council wanted to look at, both at the Administration and Finance Building on Laurens Street and the Municipal Building at 214 Park Avenue SW. He said he had listed what he gleaned from that meeting. He said before he asks staff to go ahead and start working on any of the items, he wanted to make sure that what he thought came out of the meeting was correct and make any adjustments if necessary before proceeding. He said the Committee talked about taking individuals from the offices located on Newberry Street at The Alley. He said before we actually move them to the Municipal Building, we will come back to Council in August and tell Council what we plan to do. We may have to spend a few thousand dollars to make some improvements to the offices to fit the needs of the employees, such as taking the counter out in the old Finance office where water bills were paid. He said we will have to look at the needs and come back to Council with some additional recommendations and report at the next meeting.

Councilman Merry stated he had one comment. He said he is Council's representative on ADDA. He said no action or vote has been taken by ADDA, but he had heard from a number of individual members that they are disinclined to want to move into the Municipal Building. They do like their location in The Alley, particularly the visibility. They get much more walk in traffic than he realized. It is a destination for tourists and others. Those who talked to him really feel strongly that they would like to remain in a very visible location in The Alley.

Councilman Ebner stated ADDA could actually be on The Alley end of the building. There is a low bearing wall there and there is glass on two sides. Councilman Merry stated it is all about visibility and being able to allow for easy walk-in traffic.

Mr. LeDuc stated part of that would depend on what we do with the Conference Center and what happens with the first floor of the Municipal Building.

Councilman Ebner stated we need to roll it all together when we do it—conference center, offices, etc.

Councilman Dewar stated it is nice that they don't want to move in, but the city is also paying a large expense for their rent through the donation that we are giving to them. He said one thing he wanted to add, which has not been part of any discussion before, but it has been a long standing issue that has surfaced within the past year with the Aiken

Standard and that is the plan to work to televise the City Council meetings. He said he hoped that is still in somebody's plan to consider. He said we spent money to enable it to be done. He said he hoped we are continuing to move in that direction. He felt it has the support of Council. Councilman Merry agreed with Councilman Dewar.

Councilman Ebner pointed out that on the Municipal Building we have two current contracts. He asked if we are going to close those contracts, fund them or what. He said they are not funded right now. He said that needs to be on the City Manager's agenda to handle those two contracts.

Mr. LeDuc stated he knew there was a contract to look at making the Municipal Building potentially into a conference center. He asked what the other contract may be.

Councilman Ebner stated there were two different names on the drawings shown to the committee. Councilman Dewar stated he thought it was one contract, but there may have been two or three people involved.

Mr. LeDuc stated the main one was JLA and there was some subcontracting. It was pointed out Michael Jordan had done some drawings. Mr. LeDuc stated he thought about \$11,000 was spent so far. By ordinance Council had committed \$15,000 for a study. He said right now he is not planning to go forward with any more work with the firm. He said everything will be done with staff and he would return to Council with recommendations.

Mayor Cavanaugh pointed out that he understands that the Conference Center is being used just about every weekend. Mr. LeDuc responded that is correct.

Mr. LeDuc stated he would like City Council's approval to allow staff to make suggested changes to the buildings as follows:

**Administration and Finance Building:**

1. Signage for building
2. Changes to lobby to reflect Aiken
3. Ability to access second floor
4. Office space for the Mayor
5. Evaluate problems with asphalt in parking lot, along with the drainage grates

**Municipal Building:**

1. Provide office space for all the individuals currently in the Police substation on Newberry Street
2. Work with ADDA to possibly relocate them to this building
3. Determine what changes are needed to accommodate these relocations
4. Provide options to the committee on future use of the conference center
5. Review options on use for the land along the Alley and Newberry

Before finalizing these changes we will bring them back to Council for final approval.

Councilman Ebner moved, seconded by Councilwoman Diggs, that the City Manager and staff be authorized to work on the items suggested by Council for changes to the Municipal Building and the Administration and Finance Building and bring suggestions for changes back to Council for approval. The motion was unanimously approved.

Councilman Merry stated he would like it noted that there be actual discussion with ADDA about their relocation to the Municipal Building. Councilman Ebner also asked that staff look at selling the Newberry Street property.

### CAPITAL PROJECTS SALES TAX II FUNDS

Mayor Cavanaugh stated Council needed to consider approval of Capital Projects Sales Tax II funds.

Mr. LeDuc stated every quarter City Council has been receiving a report from Finance listing the Capital Projects, budget, spent to-date and difference. We have reconciled the surplus and short falls for all the projects to arrive at the Proposed list, which needs completing. We would like Council's approval on the CP II project list which indicates the amount of funds that should be available for the remaining projects. The approval of the "Proposed" funding will give the new CP Project Manager knowledge of what funding is available for each project. The Cash on Hand of \$10,471,163.48 actually exceeds the total amount proposed for these projects by over \$40,000. These additional funds give the City flexibility to add funding to one of these projects or to a CP III project.

Mr. LeDuc stated he gave Council a proposed list of how he would like to consolidate the pluses and minuses. He said after talking to a couple of Councilmembers, he would like to make an amendment to the proposed list. He pointed out Item 6, which is street resurfacing. He said there was \$95,104.92 left. After looking at some of the street needs that we have within the city, he would like to put that amount under the proposed column. To make up the difference he would like to take Item 23, which is the Landfill, which he thinks will be more of a passive location than an active location, and take \$95,104.92 off of that item. That would still leave a balance of \$2,560,097.60 for the Landfill. He said he would like to add that in the street resurfacing. The projects will still add up to \$10,471,163.48, and we would still have an excess amount. By doing this staff will know what projects are still out there that need to move forward. This will give us the guidance we need. We will still come back to Council for approval on individual projects. Approval of this listing would help him and the new CPST Project Manager to move forward by approving the proposed funding list for CP II with the suggested changes that he reviewed.

For City Council consideration is approval of the Proposed funding list for CP II with the changes that Mr. LeDuc proposed in Items 6 and 23.

Councilman Dewar stated he had one other question. He asked if Item 29 is the walking trail and the work that has just been done at the Weeks Center. Mr. LeDuc stated Item 29 is for work at Citizens Park, not at the Weeks Center. He said the work at the Weeks Center came out of the General Fund. Councilman Merry asked if there is a punch list for them to go back for clean up and work to be done on the walking trail at the Weeks Center. Mr. LeDuc stated there is a punch list. Mr. Grinton stated they are working on the punch list.

Councilman Merry moved, seconded by Councilwoman Price, that Council approve the Proposed funding list for CP II with the changes proposed by Mr. LeDuc for Items 6 and 29. The motion was unanimously approved.

### WINTER STORM PAX

#### Employee Payment for Overtime

Mayor Cavanaugh stated Council needed to consider the recommendation for Winter Storm PAX pay for employees.

Mr. LeDuc stated when he sat down with Councilmembers individually this matter came up over and over again that some commitments were made to employees that worked during the storm and who came out to help clear the roads and get things moving. Mr. LeDuc stated during our response to Winter Storm PAX, we paid every City employee according to the guidelines of the Federal Fair Labor Standards Act [FLSA]. This included paying all non-exempt employees overtime pay [time-and-a-half] for time worked in a week in excess of 40 hours. He said, based on certain memos that he had reviewed and indications from those memos and even at City Council meetings, there

was an indication that overtime would be given to employees that were non-exempt and for non-Public Safety employees. He said Public Safety employees are expected during emergencies to come out and provide services. He said the Council committee on this matter met last week. The Committee's recommendation was that overtime be paid to those individuals that came out during the storm. This is overtime above and beyond the Fair Labor Standards Act. That would include employees in the Parks, Recreation & Tourism Department, Engineering and Utilities, and Public Services. For these employees some will only get \$10 or \$20. Some will get hundreds of dollars.

Council has expressed a desire to provide additional overtime compensation for the non-exempt non-Public Safety employees who worked during any of the weather event period between February 12 and February 14.

Mr. LeDuc stated that Ms. Abney and her staff have worked up the numbers to provide this overtime money. Our preliminary calculation indicates 111 non-exempt employees worked during Winter Storm PAX, and our preliminary estimate is the total additional compensation will be approximately \$13,430.25. The Council Subcommittee composed of Mayor Cavanaugh and Councilmembers Price and Dewar recommended we pay these employees this extra amount for time worked during this weather event.

For City Council consideration is a recommendation from the Winter Storm PAX Employee Compensation Committee, that additional overtime compensation amounting to \$13,430.25 be paid to non-exempt, non-Public Safety employees for hours worked during Winter Storm PAX [February 12-14, 2014].

Councilman Homoki asked if the individuals are exempt should we use the term overtime. He wondered if the pay should be a bonus. Mr. LeDuc pointed out that exempt employees are supervisory employees and are not included in the list to receive this pay. This pay is for non-exempt employees—the regular hourly employees. The supervisory employees are expected to be available during these events. He said that is something between them and the Director and him as to allowing them time off at other times if that is possible.

Councilman Dewar stated he wanted to make two comments. He said at some point we need to come together and work out a process so this does not happen again. He said in the case of the storm that we had, we would have thought it certainly permissible to call employees out to work and pay them according to the Fair Labor Standards Act. This issue developed only because some were promised overtime and they should not have been promised or led to believe that they were going to receive overtime. He thanked Council for their support for this issue. He said he had been working on this since March. He said he knows that the people are feeling that they are getting paid what they were promised, and it will help employee morale. He said we have talked about hopefully being able to do something above and beyond this later in the year for everybody else.

Mr. LeDuc stated he appreciated that. He said at some point when we finish all the FEMA reimbursement and have the revenue in, we will probably be coming back to City Council at some point and asking if Council would allow the recognition of all the employees that came out to work, including Public Safety and exempt employees with something, whether it be a gift card or a bonus at some later date. He said he would come back to Council at a later time. He said this is to conclude this item that has been hanging on for long time.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve the additional overtime compensation amounting to \$13,430.25 to be paid to non-exempt, non-Public Safety employees for hours worked during Winter Storm PAX. The motion was unanimously approved.

## SIGNS

Public Safety Department

ACON

Aiken Council of Neighborhoods

Public Service Announcements

Mayor Cavanaugh stated Council needed to consider the request from the Public Safety Department to place public service announcement signs in neighborhoods.

Mr. LeDuc stated the Public Safety Department has been working with the Aiken Council of Neighborhoods [ACON] on a design of public service announcement signs to be placed in residential yards around Aiken. Neighborhood Associations would request these signs, then residents within the neighborhoods would place them for a limited time in their yards.

A memorandum from Chief Charles Barranco asks Council's guidance on several questions that placement of these signs pose.

Chief Barranco stated that Council had probably read in the media about the extensive car breakins that we have on unlocked cars. In conjunction with some of the neighborhoods and some of the officers getting together, we have been trying to figure out different ways to spread the word. One of the suggestions that came out of that was a sign—a sign that could be placed in a neighborhood on private property within the homeowner's associations to remind people to lock their cars. He said in looking at this, they wanted to be sure they met the sign ordinance. He said the proposed sign does not qualify as a temporary sign, so they are asking for input and approval from Council on four items.

Chief Barranco asked Council if they felt the proposed text is acceptable, and if it is would Public Safety be able to amend or change it based on the needs of the particular neighborhood. He pointed out that Council has a copy of the wording of a proposed sign in the agenda packet. He said what he means by "change the wording" is that in some neighborhoods car breakins are not an issue, but they may have an issue of littering, noise ordinance issue, or something else, then Public Safety in similar type could put some bulletin points on the sign about those different areas.

Chief Barranco asked if there would be a particular time limit for a sign to be placed in a yard. He pointed out in the ordinance for temporary signs there is a limit because a temporary sign is for a specific event. He asked if Council would want a time limit when the sign needs to be moved. He said the thought initially would be that we would make these signs and work with the homeowners associations, and they would be responsible for moving them in different areas and keeping the signs fresh.

Councilman Merry asked if Public Safety had the ability to make the signs in-house. Chief Barranco stated the proposed signs could be made in-house for approximately \$5 each. Councilman Merry stated he is a victim of the car breakins multiple times. He said his neighborhood has had about 10 car breakins over the last five years. He said he actually thinks the signs are a great idea and good message. He said he would be in favor of permanent signs on private property. Chief Barranco stated the proposed signs are not really for permanent posting. He said a permanent sign would be more expensive.

Mayor Cavanaugh stated it is probably a good idea to move the signs around occasionally. He asked Councilman Merry if by permanent he meant something in the ground to stay. Councilman Merry stated that is what he meant. He said when you come into a neighborhood, you would have that sign there. He pointed out the neighborhood watch signs are permanent. He felt the proposed signs are communicating the same concept. He said the signs would remind people of some important things and gives a phone number to call. He said he would not object to a permanent sign, but if nobody else wants permanent signs a temporary sign would be fine.

Mr. Gary Smith, City Attorney, stated cities have to be careful about signs. He said it may make a lot of sense to do it that way, but you are telling other people who have a



sign for someone running for Mayor, president, real estate agent signs, etc. that any kind of signs could go up. He said if the city is using one standard for themselves and a different standard for different signs, we could get in trouble.

Councilman Dewar stated he would like for the signs to relate more to the experiences that we are having. For example, where we know that we have a lot of incidents in a shopping center wherever it is in town, then that would be a good place to put them. If we have a neighborhood, and the neighborhood is willing to have the signs posted, then we should do it. He said he felt we need to be careful with wholesale posting, because we have people who make a living trying to bring people into our community by selling houses. The people would not be impressed if they get the implication that the neighborhood is having a lot of crime, and they may not want to buy there. He said he would rather see the signs relate to the incidents of crime that we are having in the community. He said he felt we would all agree that no one should leave their front door unlocked or their vehicle unlocked, but every day the Aiken Standard is an example of the fact that people do that. He said all we are trying to do is get their attention.

Councilwoman Diggs stated she liked the idea of the signs in the neighborhoods and she would like to have one posted on her property.

Chief Barranco stated they wanted to make sure that the sign size was appropriate for Council, as well as whether there were any other limitations that Council might like to impose. He said in one neighborhood they recently had an Aiken Council on Neighborhoods meeting at Public Safety, and they said they don't have issues with car breakins, but have a problem with litter in their neighborhood. He said staff came up with the idea of a sign that includes littering. He said these are the type things they are talking about.

Councilman Merry pointed out that he likes the signs and agrees with Councilwoman Diggs, but in light of what Chief Barranco just said, if there is no time limit for the placement of a sign in a yard, that could be creating a second standard.

Mr. Smith stated he felt it would be best for them to comply with the sign requirements of the Zoning Ordinance, just like all others of these types of signs. Councilman Merry asked how we would characterize the sign; it is not a political sign; it is not a temporary real estate sign. He asked if it would follow the same rules as any other temporary sign.

Mayor Cavanaugh stated when we say temporary it may stay in someone's yard for weeks. Chief Barranco stated they had been thinking of no more than two weeks at a time and then rotate the signs. Mayor Cavanaugh stated he felt we should get the time period resolved as to whether the signs can stay for one week, two weeks and let that be part of the agreement. Councilwoman Price stated she felt the time period for the posting should be one month.

Mr. Smith stated the time limit should comply with the Zoning Ordinance. Chief Barranco stated he did not think there was a time limit on the posting of temporary signs, as that is approved by the Planning Department.

Mr. Ed Evans, Planning Director, stated the Planning Director can approve temporary signs. The sign can go up one week before the event and must come down the day after the event. He pointed out there is really no defined event associated with the proposed signs by Public Safety. He said the Zoning Ordinance says the type sign proposed needs to come to Council and Council sets the parameters. There is no time frame in the Zoning Ordinance associated with this kind of sign. He said Council should set the time frame.

Councilwoman Diggs asked if the neighborhood association could make a special request for a certain amount of time for a sign. She asked if it could be left up to the neighborhood associations to decide how long they want a sign in their neighborhood.

Chief Barranco stated Public Safety could work with them and bring the request to Council.

Mr. Smith stated he felt Chief Barranco is asking for a situation where a sign would not be more than a month at any one location. Chief Barranco stated he would not see a posting being longer than a month.

Mr. LeDuc stated if Council would give some parameters, it would make it easier on the neighborhood associations so they don't have to keep coming before Council asking for permission to post a sign.

Councilwoman Diggs stated then make the sign posting no longer than a month. Councilman Merry asked if that might create any kind of legal issue. Mr. Smith said as long as Mr. Evans is comfortable with that, he is comfortable.

Mayor Cavanaugh stated a point that he wanted to make is that when he looks at a sign he wants to be able to read it. He asked if the intention was to make the print blue on the signs. Chief Barranco stated they were looking for input from Council. He said the example sign that he has is a prototype that was developed to show Council their thinking. Mayor Cavanaugh suggested that the wording be as large as possible so people can read it as they ride by.

Councilman Homoki asked what the surface area restriction was for real estate type signs. Mr. Evans stated he thought for a real estate type sign the area is 5 square feet. He said, however, for this type sign coming before Council for approval, Council can set the parameters.

Councilman Merry pointed out that the proposed sign that Chief Barranco has is essentially the size of a real estate sign and has about the same volume of information on it.

Mayor Cavanaugh stated he felt the proposed signs are a good idea, and he would like a sign too.

For Council's consideration is approval of Public Safety's request to place public service announcement signs in city neighborhoods.

Councilwoman Diggs moved, seconded by Councilman Dewar, that Council approve the temporary signs for Public Safety to be placed in neighborhoods with the signs to be similar in wording and size to the signs shown by Chief Barranco, and that the signs be allowed to be posted up to 30 days in a neighborhood. The motion was unanimously approved.

It was noted that this would be Ed Evans last Council meeting, as he retires as of July 31. Council thanked Mr. Evans for his service to the city.

#### WOODSIDE PLANTATION

##### FEMA Reimbursement

##### Woodside Property Owners Association

Mayor Cavanaugh stated a request had been received from the Woodside Plantation Property Owners Association for FEMA reimbursement.

Mr. LeDuc stated Councilmember Ebner requested we include the application for reimbursement submitted to FEMA by the Woodside Plantation Property Owners Association (WPPOA) as information to City Council. WPPOA held a kick-off meeting with FEMA on May 8 and have since submitted their application. He said the information is entered into the records. He asked if Councilman Ebner wanted Council to do anything further with this information.

Councilman Ebner stated as discussed earlier with Mr. LeDuc, he needed to meet with Mr. LeDuc and review the history of how they got to where we are with this. He said the WPPOA had officially received a notice that FEMA would not reimburse the Property

Owners Association directly. He said he needed to talk with Mr. LeDuc about what went on, how we got here and see what we need to do next. He said he wanted this in the record as to what happened. He said the Woodside Plantation Property Owners Association did not get reimbursed. He said FEMA turned them down. The expenses amounted to \$303,000.

Mr. LeDuc asked Councilman Ebner if he was hoping that the city would do something. Councilman Ebner stated the answer depends on who you talk with on which day. He said he has a memo in writing from the Property Owners Association. He said one state official said for them to apply through the city for reimbursement. Then another one said they don't pay POA's. He said the former City Manager was supposed to invite the Woodside Plantation Property Owners Association to the kickoff meeting for the city. He said they were not invited to state their case. Then, in the write up for the minutes when we did have representatives from FEMA at a Council meeting, the write up came out from the City Manager at the time saying this was all common areas. He said that is wrong. It was all Woodside Plantation. They were told the city was not going to clean up the road for several months, so the Property Owners Association went ahead as assistance to the city and did pick up work in the neighborhood that would normally be done by the city. He said the information in the agenda packet is the documentation for that. He said he wanted to meet with Mr. LeDuc. He said he would list these things and see how we need to approach it. He pointed out that they have been getting different answers on different days from FEMA or SCEMD.

Councilman Dewar stated he had talked with some FEMA consultants that may be able to help with this kind of decision.

Councilman Ebner stated the intent is to work a little further to get the money through an appeal process. He said it is easy for them to say no, but the work was done and other volunteer work has been done in the city also. He said he would work with Mr. LeDuc and get something together for the next meeting.

Mr. LeDuc stated he would get Mr. Bedenbaugh involved also, since he has been the expert for the city on the FEMA matters.

### NEW HIRES AND PROMOTIONS

#### Budget

Mr. LeDuc stated a question came up earlier in the meeting when there was discussion about the hiring freeze for employees. He said some Councilmembers were surprised when he said something about promotions. He said freezing promotions was not part of what he had originally intended as part of the hiring freeze. He said if that is the case he would like to have some feedback from Council.

Councilman Ebner stated he thought a freeze for hiring and promotions was part of the motion and approval. Councilman Dewar also stated he thought the intent was a freeze for hiring and promotions in adopting the budget for 2014-15.

Councilman Ebner stated we need to go back and read the minutes, as he thought Council froze both hiring and promotions just for the reason that we have had some issues with it. He said it could be put back on the agenda again. He said when they made the motion for freezing he thought they said both hiring and promotion as promotions has been a problem too.

Councilman Dewar stated we probably need to try to define promotions. For example, in Public Safety, and most of Council is more than familiar with the Public Safety process, when they finish training, they get a raise after they finish the Police Academy and another raise after they finish the Fire Academy. Then they get another raise, as every employee does, after six months. He said those things are money things, not promotions.

Mr. LeDuc pointed out that presently Public Safety has two openings in Investigations. He asked if Councilman Dewar was talking about moving a person to Investigations as

being a promotion. He also pointed out that there is a School Resource Officer slot that we have to fill. He wondered if they were considering that as a promotion. He pointed out that both of those would be promotions going from an officer to an Investigator and going from an officer to a School Resource Officer. He said it depends on what they look at as being a promotion.

Councilman Ebner asked what would be done about a replacement. He said if the replacement is a patrol officer that is driving around on one of the four shifts and they are promoted out of that job, will we be short a patrolman.

Mr. LeDuc stated right now, with the 91 certified officers that we currently have in Public Safety, all the slots are filled, even though we have some vacancies in Investigations and for a School Resource Officer. He said they are overstaffed in one area knowing that some of them will move into another area.

Councilman Ebner asked what is overstaffed and not overstaffed. Mr. LeDuc stated right now in the patrol area with all the people going through the academies, once we fill the Investigator position and the School Resource Officer position, then we will have the right number in Patrol and the right number in each of the other areas. In essence he would look at an Investigator who is considered either a high Sergeant or a Lieutenant as a promotion for most of the individuals in Public Safety.

Councilman Dewar stated he thought we agreed that we were going to study each department. For example, in Investigations what is going to be the pay range for Investigations. He said he did not know what it is. He said, in looking at the sheets that they approved, the sheet has 4 Investigators and the pay varies significantly. He said the employee with the most years is being paid the highest wage.

Councilman Merry said back to what the original question was as to whether or not there is a freeze on hiring and promotions. He said he remembers clearly in the budget work session that Mr. LeDuc said that he had recommended a freeze to all the department heads on both hiring and promotions, and that for promotions the department heads would have to come to Mr. LeDuc and that he would look at them on a case by case.

Mr. LeDuc stated that is what he thought and he did not think promotions had to go back before Council.

Councilman Merry stated he was going back over what he recalls that Mr. LeDuc told Council on these topics.

Mr. LeDuc stated we could do it either way. He said he did not want to delay, especially the School Resource Officer that we will have to choose very quickly, probably before the next Council meeting, because school starts the first of August.

Councilman Dewar stated the School Resource Officer is not as much of a concern. He said we looked at North Augusta and how they lay it out, not that they are perfect, but they had a beginning wage, a median wage and a long term wage. He asked what that is in the City of Aiken for Investigators. Mr. LeDuc stated we do have a scale for the positions. Councilman Dewar pointed out we have four Investigators, and there is \$15,000 difference between Investigators, yet the work is the same. He pointed out one is an Investigator II.

Mayor Cavanaugh stated this matter seems to be another one of the issues that we need to get together and talk about. Councilman Dewar stated he thought Mr. LeDuc intends to do that. He said he was just under the assumption that we had frozen new hires and promotions, but Mr. LeDuc was not under that impression.

Mr. LeDuc stated he thought he had scheduled a meeting next week to talk about the salaries and other areas, but that does not get into the promotion part. He said if Council wants promotions to be frozen, it may cause some problems, especially for the School Resource Officer. He said for the Investigators, we have some people working in

Investigations even though they are not being paid as an Investigator because we have a slot there and the work needs to be done.

Councilman Dewar stated he thought the Chief has full authority to assign anybody he wants to the School Resource Officer position. He said he felt the Chief is in the best position of knowing what he needs in terms of qualifications and experience. He said a School Resource Officer is a pretty tough job. That is not a normal assignment. He said the Chief might not want to put someone brand new and put them in as a School Resource Officer. He said he felt we could leave that up to the Chief. He said he felt this is a good time, given there is \$15,000 difference between one Investigator and another, to force the issue and decide how much we want to pay an Investigator.

Mr. LeDuc stated one of the things that was stated by the Archer report that came in a little over a year ago was that our range from beginning to end is way too wide. He said that is one of the problems that we have. He said that is why you see that large differential between a starting Investigator and someone who has been here for a number of years in Investigations.

Councilman Dewar stated that is why we need to try to get control of it again.

Mayor Cavanaugh stated to be sure he understands, he asked if we are delaying rehires in Public Safety. He said that is the number one thing that can get us in deep trouble. Councilman Ebner stated we have to talk about that. Mayor Cavanaugh said Public Safety is what keeps our city and all of our citizens safe. He said in his view we cannot allow open spots in Public Safety. He said this is our life. He said we have to be able to fill those positions. He said he was under the understanding that we were filling openings in Public Safety. He said from what he sees each month on the reports, we are losing people in Public Safety, but we are also gaining people in Public Safety. He said from what he is seeing we are filling the spots. He asked Chief Barranco if that was right. Chief Barranco stated we have not had any vacancies in Public Safety recently. Mayor Cavanaugh stated we have to keep Public Safety top notch. He said they are doing a wonderful job. He pointed out according to reports there is a marked improvement in Public Safety over the last several months, and especially with Safe Communities as well.

Councilman Dewar stated the fact is that we have instituted an employee freeze. He said that does not mean that we would not approve the hiring of a Public Safety Officer. He said that is not carte blanche for Public Safety to be separate from the rest of the staff.

Mr. LeDuc stated his concern was on promotions. He said to answer the question, he has a sheet with the old salary ranges which have not been adjusted with the adjustment that was just made for Public Safety. An Investigator range was \$37,460 up to \$65,145. He said that is a \$28,000 differential between high and low.

Councilmembers commented that was out of line. Mr. LeDuc pointed out that we do have a salary chart and system. Whether it is right or wrong, that is what we have. Council stated that is what they need to look at.

Councilman Dewar stated if the Chief could put the people temporarily into Investigations until Council gets the matter resolved, he felt that would be ideal. Mr. LeDuc stated the reason he was asking is because they were going to have a Board of Review for the Investigator positions this week. He said we may have to hold up slightly.

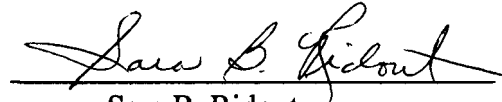
Councilman Ebner said wait a week or month.

Councilwoman Diggs stated Council appreciates everyone in the audience attending Council meetings and staying in the late hours of the night. She pointed out that Rosemary English, Chair of the School Board, was present. She also pointed out that John Winfield who comes to most Council meetings has not been present for the last two months because he has not been feeling well, but he is present at this meeting.

Councilwoman Price acknowledged the presence of Pat Cuning, a former Councilmember, who is present at this meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 9:43 P.M.

  
Sara B. Ridout  
City Clerk